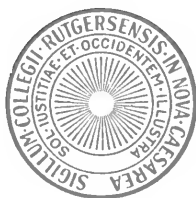
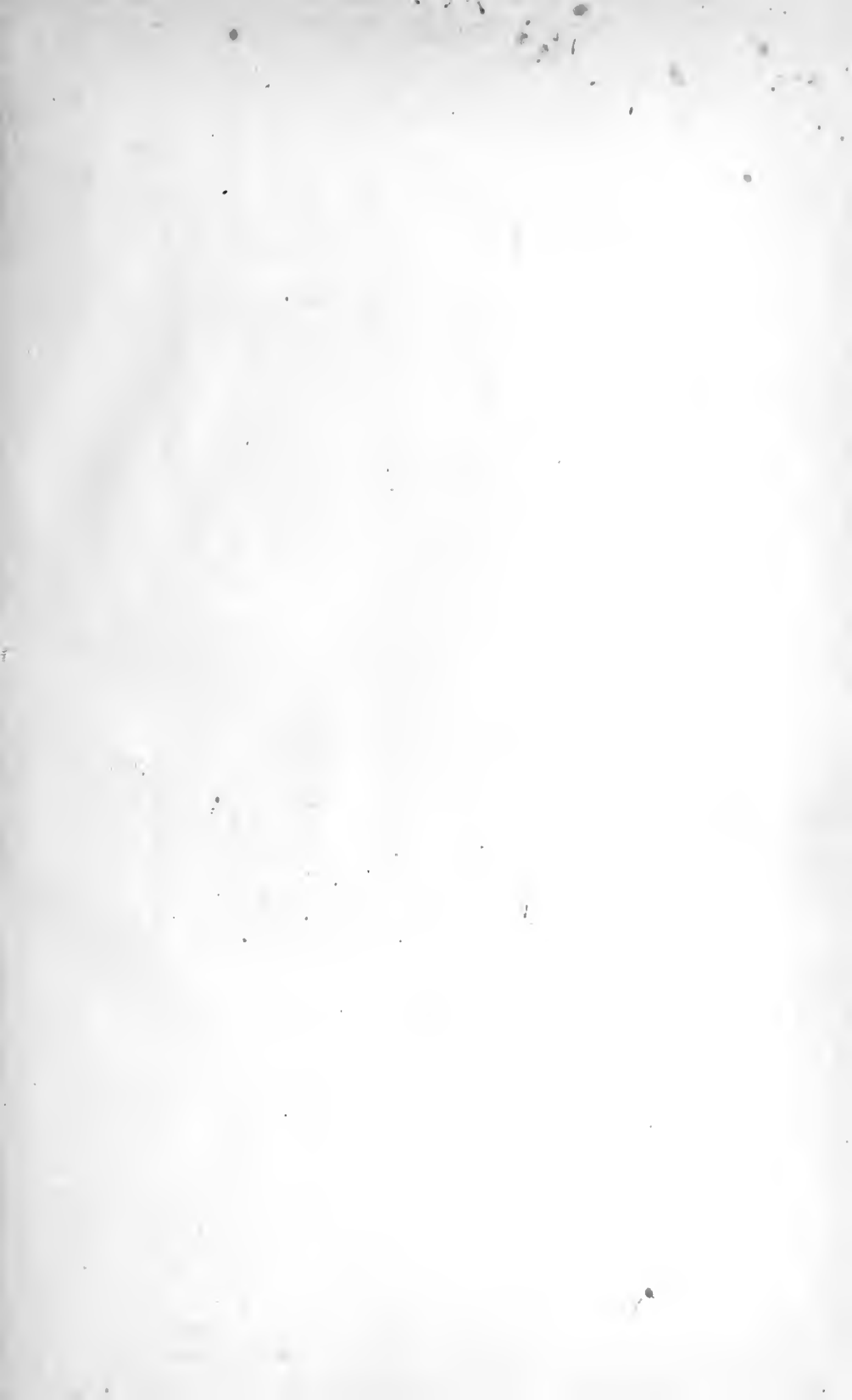


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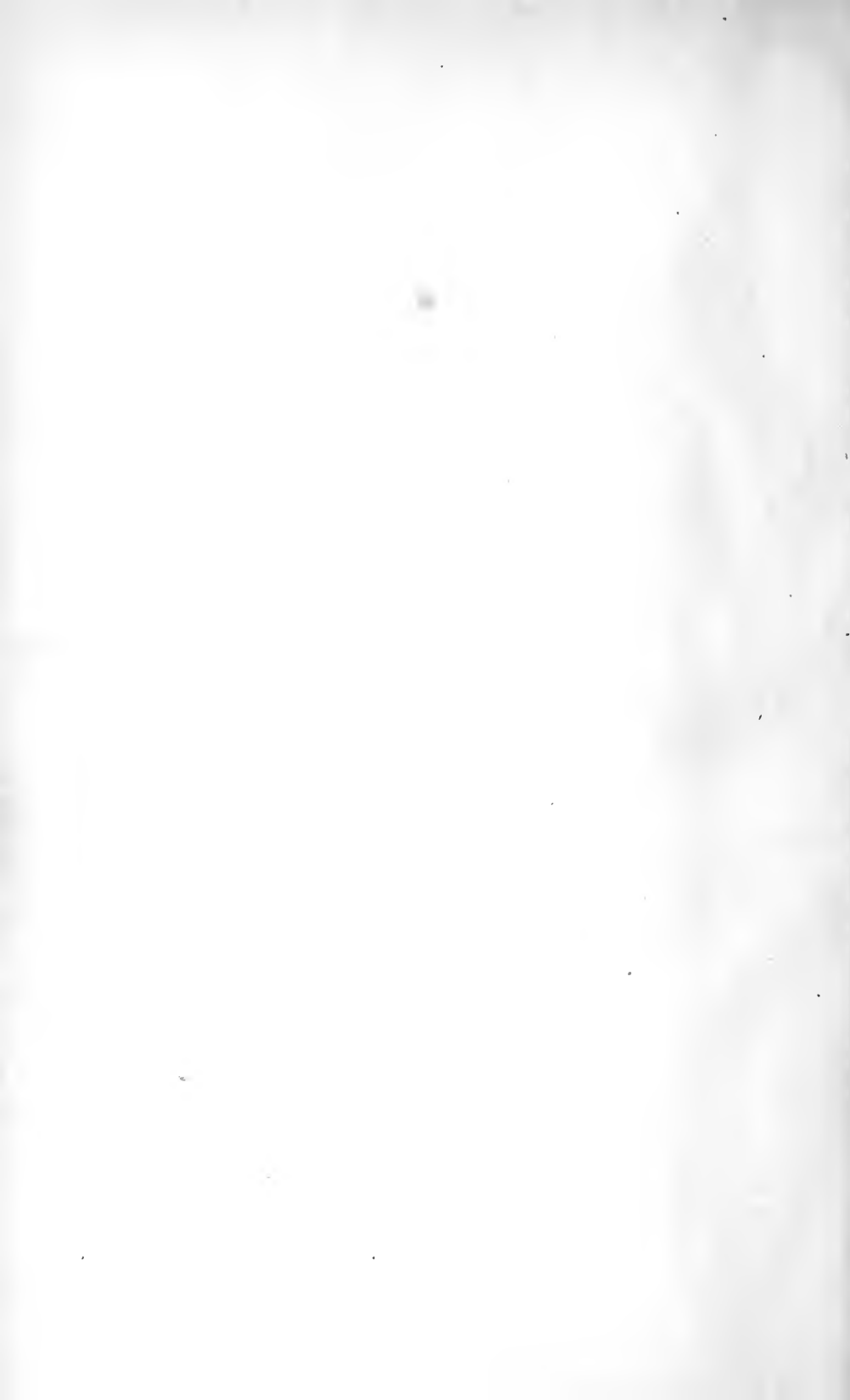
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# REVISED CHARTER

OF THE

## CITY OF CAMDEN

AND

SUPPLEMENTS THERETO

AND ACTS AMENDATORY THEREOF

Also Laws since passed relating thereto and  
under which said city is governed, to 1910,  
inclusive.

Camden, N. J. Charters

Printed by authority of City Council, under  
supervision of

EDWIN G. C. BLEAKLY, City Counsel, and

WILFRED B. WOLCOTT, Assistant.

Camden, N. J., May, 1912.

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CAMDEN, N. J.:

R. H. FREEMAN & CO., PRINTERS.

1912

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**MEMBERS OF CITY COUNCIL OF THE CITY OF  
CAMDEN, JANUARY 1, 1912.**

---

JAMES E. HEWITT, President.

JOHN A. MATHER .....	First Ward.
CHARLES H. GREER .....	First Ward.
WILLIAM F. KELLY .....	Second Ward.
DAVID JESTER .....	Second Ward.
WILLIAM H. HALL .....	Third Ward.
J. EDWARD WAY .....	Third Ward.
JAMES E. HEWITT .....	Fourth Ward.
HARRY R. READ .....	Fourth Ward.
R. S. CARNEY .....	Fifth Ward.
ROBERT W. GORDON .....	Fifth Ward.
ARTHUR L. JONES .....	Sixth Ward.
JOSHUA C. HAINES .....	Sixth Ward.
GEORGE J. SCHNEIDER .....	Seventh Ward.
F. S. VAN HART .....	Seventh Ward.
GRANT E. KIRK .....	Eighth Ward.
J. WILLIAM MILLS .....	Eighth Ward.
THOMAS LITTLEHALES .....	Ninth Ward.
RAYMOND L. WARREN .....	Ninth Ward.
DANIEL R. SMITH .....	Tenth Ward.
CLIFFORD K. DEACON .....	Tenth Ward.
WILLIAM H. KENSINGER .....	Eleventh Ward.
FREDERICK A. FINKELDEY .....	Eleventh Ward.
OSWIN D. KLINE .....	Twelfth Ward.
JONAS SHAW .....	Twelfth Ward.

23572

**CITY OFFICIALS OF THE CITY OF CAMDEN,  
JANUARY 1, 1912.**

---

Mayor—CHARLES H. ELLIS.

City Clerk—WM. D. BROWN.

Assistant City Clerk—MORRIS ODELL.

City Counsel—EDWIN G. C. BLEAKLY.

Assistant City Counsel—WILFRED B. WOLCOTT.

Comptroller—SYDNEY P. McCORD.

Treasurer—GEORGE A. FREY.

Assistant Treasurer—ROBERT G. FLEMING.

Receiver of Taxes—JOHN S. ROBERTS.

Commissioner of Highways—ALFRED L. SAYRS.

Engineer—LEVI E. FARNHAM.

Recorder—O. GLEN STACKHOUSE.

Clerk of the Highway Department—BOWMAN H. SHIVERS.

License Clerk—JOHN R. McCABE.

City Assessors—WILBUR ELLIS, LOUIS STEHR, WILLIAM  
SPARKS, JOHN W. DONGES, JOHN WELLS.

Clerk of Assessors—JOHN A. COLLINS.

Overseer of the Poor—E. E. JEFFRIES.

Building Inspector—WILLIAM H. DAY.

Recorder's Clerk—WILLIAM B. KNIGHT.

Sealer of Weights and Measures—GEORGE KRUCK.

## MAYORS OF THE CITY OF CAMDEN.

---

SAMUEL LANING .....	1828 to 1830
GIDEON V. STIVERS .....	1830 to 1838
ELIAS KAIGHN .....	1838 to 1840
LORENZO F. FISLER .....	1840 to 1844
JOSEPH W. COOPER .....	1844 to 1845
RICHARD W. HOWELL .....	1845 to 1846
THOMAS B. WOOD .....	1846 to 1848
BENJAMIN A. HAMELL .....	1848 to 1849
CHARLES SEXTON .....	1849 to 1851
LORENZO F. FISLER .....	1851 to 1852
CHARLES D. HINELINE .....	1852 to 1853
LORENZO F. FISLER .....	1853 to 1855
SAMUEL SCULL .....	1855 to 1856
JAMES W. SHROFF .....	1856 to 1857
BENJAMIN A. HAMELL .....	1857 to 1858
CLAYTON TRUEAX .....	1858 to 1860
THOMAS B. ATKINSON .....	1860 to 1862
PAUL C. BUDD .....	1862 to 1863
TIMOTHY MIDDLETON .....	1863 to 1864
PAUL C. BUDD .....	1864 to 1867
CHARLES COX .....	1867 to 1871
SAMUEL M. GAUL .....	1871 to 1874
JOHN H. JONES .....	1874 to 1876
JOHN MORGAN .....	1876 to 1877
JAMES W. AYERS .....	1877 to 1880
CLAUDIUS W. BRADSHAW .....	1880 to 1886
JESSE PRATT .....	1886 to 1892
JOHN L. WESCOTT .....	1892 to 1898
*COOPER B. HATCH .....	1898 to 1902
JOSEPH E. NOWREY .....	1902 to 1905
CHARLES H. ELLIS .....	1905 to 1913

\*Election Act of February 28, 1901, P. L., 1901, page 41, extended term from March, 1901, to January 1, 1902.

## CITY CLERKS OF THE CITY OF CAMDEN.

---

SAMUEL ELLIS .....	1828 to 1829
WILLIAM W. BUTLER.....	1829 to 1830
THOMAS GREEN, JR.....	1830 to 1831
SAMUEL MILLER.....	1831 to 1832
JOSIAH HARRISON.....	1832 to 1835
SAMUEL MILLER .....	1835
JOSIAH HARRISON .....	1835 to 1844
THOMAS W. MULFORD .....	1844 to 1850
ALFRED HUGG .....	1850 to 1851
JOSEPH MYERS .....	1851 to 1856
ALFRED HUGG .....	1856 to 1857
WILLIAM J. MILLER .....	1857 to 1858
ALEX. H. HAMMELL .....	1858 to 1859
SAMUEL W. THOMAN .....	1859 to 1866
JOSEPH C. NICHOLLS .....	1866 to 1872
FREDERICK W. TARR .....	1872 to 1873
JOSEPH C. NICHOLLS .....	1873 to 1875
JOSEPH BONTEMPS .....	1875 to 1876
F. W. TARR .....	1876 to 1877
FRANK F. MITCHELLON .....	1877 to 1882
RICHARD C. THOMPSON .....	1882 to 1884
D. COOPER CARMAN .....	1884 to 1890
T. P. VARNEY .....	1890 to 1898
H. C. KRAMER .....	1898 to 1907
ISAAC V. BRADLEY .....	1907 to 1910
WILLIAM D. BROWN .....	1910 to 1913



## **CITY COUNSELS OF THE CITY OF CAMDEN.**

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JAMES B. DAYTON .....	1851 to 1855
THOMAS B. CARPENTER .....	1855 to 1856
THOMAS H. DUDLEY .....	1856 to 1858
PETER L. VOORHEES .....	1858 to 1859
GEORGE M. ROBESON .....	1859 to 1869
ALDEN C. SCOVEL .....	1869 to 1872
ALFRED HUGG .....	1872 to 1878
JAMES E. HAYS .....	1878 to 1884
J. WILLARD MORGAN .....	1884 to 1898
EDWIN G. C. BLEAKLY .....	1898 to 1900
*H. M. SNYDER, JR. ....	1900 to 1903
EDWIN G. C. BLEAKLY .....	1903 to 1913

\*H. M. Snyder, Jr., died in October, 1903, and Edwin G. C. Bleakly was elected till January 1, 1904.

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## **CITY SURVEYORS AND ENGINEERS OF THE CITY OF CAMDEN.**

EDWARD H. SAUNDERS .....	1853 to 1870
JACOB H. YOCUM, JR. ....	1870 to 1878
JOHN S. SHULTS .....	1878 to 1890
LEVI E. FARNHAM .....	1890 to 1913

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## **CITY COMPTROLLERS OF THE CITY OF CAMDEN.**

SAMUEL HUFTY .....	1880 to 1882
SAMUEL HUFTY .....	1885 to 1888
LOUIS T. DEROUSSE .....	1888 to 1891
FREDERICK A. REX .....	1891 to 1894
CHARLES H. HOLLINSHED .....	1894 to 1896
SAMUEL HUFTY .....	1896 to 1911
SYDNEY P. McCORD .....	1911 to 1913



# ACTS OF INCORPORATION.

## AN ACT

To incorporate a part of the township of Newton, in the county of Gloucester. Passed 13th February, 1828.

Sec. I. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That such parts of the township of Newton as are contained within the following limits and bounds, Boundaries of the City of Camden. that is to say, beginning at the Pennsylvania line, in the river Delaware, opposite the mouth of a small run of water below Kaighnton, which run is the line between lands late of Isaac Mickle, deceased, and Joseph Kaighn, and running thence east to the mouth of said run; and thence up the same, the several courses thereof, crossing the public road leading to Woodbury from the Camden Academy; thence northerly along the east side of said road to the road leading from Kaighnton to Cooper's creek bridge; thence along the eastwardly side of said last mentioned road, and the southwardly side of the causeway and bridge to the middle of Cooper's creek; thence down the middle thereof to the river Delaware; thence due north to the middle of the channel between Petty's Island and the Jersey fast land or shore; thence down said channel and river to the nearest point on the line established between the states of Pennsylvania and New Jersey; thence down said line to the place of beginning, shall, and the same are hereby erected into a city, which shall henceforth be called and known by the name of "The City of Camden."

Sec. II. And be enacted, That for the better ordering and governing the said city of Camden, there shall and may be in the said city, a mayor, who shall be a resident and freeholder within the corporation and who shall be Officers of the city.

keeper of the city seal; a recorder, who, beside the office of recorder, shall, in the mayor's absence, have and execute the several duties annexed to the mayoralty, and any of them; four aldermen, five common councilmen, and one town clerk; which mayor, aldermen, recorder and common councilmen, shall be one body politic and corporate, in deed, in fact, name and law, by the name, style and title of "The mayor, aldermen and common council of the city of Camden," and by the same name shall have perpetual succession, and they and their successors, at all times hereafter, by the name of "The mayor, aldermen and common council of the city of Camden," shall be persons capable in law to have, purchase, take and receive, possess and enjoy, lands, tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, to them and their successors for ever, or for any other or less estate; and the same to grant, bargain, sell, alien, convey, demise and dispose of; to sue and be sued, implead and be impleaded, in any court of justice whatever; and to make and use one common seal, and the same to alter and renew at pleasure.

Appointment  
and duties of  
officers.

Sec. III. And be it enacted, That the said mayor, recorder and aldermen shall be justices of the peace, ex-officio, within the said city; that the said recorder and aldermen shall be appointed by the council and general assembly of this state, in joint meeting, and with the mayor, commissioned by the governor of the same, in the same manner as the judges, and justices of the peace, throughout the same are appointed and commissioned, and shall continue in office for the same time, and be amenable in like manner; one of which aldermen, and one of the common council shall always be a resident of Kaighnton, and one of each of said officers shall always be a resident of the village commonly called William Cooper's Ferry; and the said mayor shall be annually selected and appointed from the inhabitants of said city, by a majority of the common council, within six days next after each annual town meeting, which shall be held on the second Monday in March, annually; at which meeting, the common council, an assessor, a collector, and town clerk, shall be chosen by such inhabitants of said city as shall have the qualifications which entitle a person to vote at the usual town meetings of townships in this state.

Sec. IV. And be it enacted, That for the appointment

of officers of said city to serve till the first annual town meeting, the recorder and aldermen be, and they are hereby authorized to call a town meeting of the electors of said city, at such time and place as they may appoint, they previously giving ten days' written or printed notice thereof, in five of the most public places within the county aforesaid; and the common council thus chosen shall select from the inhabitants of said city in manner directed in the preceding section of this act, a mayor to serve until another is chosen. [See post, page 9, sec. 3].

Sec. V. And be it enacted, That the mayor, recorder, and aldermen and common council, or a majority of them, of whom the mayor or recorder shall be one, are hereby authorized from time to time, and at all times hereafter, to hold a common council within the said city, at such convenient place as the mayor, or, in his absence, the recorder shall appoint, and to make such by-laws, ordinances and regulations, in writing, not repugnant to the constitution or laws of this state, or of the United States, and the same to enforce, revoke, alter and amend, as to them shall appear necessary for the well ordering and governing of the said city and its inhabitants; to administer all oaths and affirmations incidental and necessary to the execution of their office; and to appoint a city treasurer, marshal and such other subordinate officers as they may think necessary for good government of the said city; and by ordinance to require such securities from the several officers, as to them shall seem necessary and convenient; and to make, limit, impose, and tax reasonable fines and amercements against and upon all offenders against the laws, ordinances and regulations of the corporation, made as aforesaid; provided always, that no fine or amercement shall exceed twenty dollars; and all such fines to take, demand, require and levy on the goods and chattels of each offender, by warrant issued under the hand and seal of the mayor, recorder, or either of the aldermen, directed to the marshal of the said city, who is required and authorized to execute the same; which fines and amercements shall be paid to the said city treasurer, to be appropriated to the use and benefit of the inhabitants thereof; provided also, that every person thinking himself or herself aggrieved by the decision of the said mayor, recorder or a single alderman, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and do therein

City council and mayor, how chosen.

Meeting of city council.

Their duties.

Fines, how to be collected.

Appeals.

what to them shall appear just and reasonable.

**Oath of officers.**

Sec. VI. And be it enacted, That every officer of said city, before he proceeds to execute his office, shall take and subscribe the oath or affirmation of allegiance to this state, and likewise an oath or affirmation that he will faithfully discharge and execute such office according to the best of his knowledge and understanding; which oaths and affirmations may be administered by any person in said county of Gloucester authorized to administer an oath.

**Fees of officers.**

Sec. VII. And be it enacted, That the said Common Council, or a majority of them, may annex such fees to the several offices of the said corporation as to them shall seem necessary and convenient.

**Prisoners.**

Sec. VIII. And be it enacted, That until the said corporation shall provide a suitable place, within the same, for the confinement of persons charged with or convicted of offences, subject to their cognizance, it shall be lawful for the mayor, recorder and aldermen or either of them, to commit offenders to the jail of Gloucester county, the jailor whereof is hereby required to receive them in like manner as other prisoners for like offences.

**Licenses for inn-keepers.**

Sec. IX. And be it enacted, That the said mayor, recorder, aldermen and common council, or a majority of them, in common council met, shall have the sole, only and exclusive right and power of licensing and assessing every inn-keeper, tavern-keeper and retailer of spirituous liquors residing within the same city, subject to the same provisions, and in like manner as the same is or may be lawfully done by the courts of general sessions of the peace in this state.

**Vacancies in office.**

Sec. X. And be it enacted, That in case a vacancy shall happen in the office of mayor or recorder of the said city, by death, resignation, removal or otherwise, the aldermen shall meet and by plurality of voices, choose one of the inhabitants of said city, who shall have and execute the duties of a mayor, and shall also appoint some fit person who shall have and execute the duties of recorder, until a mayor and recorder shall be appointed and commissioned according to law; and when any vacancy shall happen in any of the offices herein rendered elective by the inhabitants of said city, the mayor for the time being, is required, by advertisements, giving at least five days' notice, to call a meeting of the inhabitants of said city,

**How filled.**

entitled to vote, who when assembled, may, by plurality of voices, elect the officers requisite to fill such vacancy; which officers so elected, shall be sworn or affirmed in manner aforesaid, and shall continue in office until the next annual town meeting.

Sec. XI. And be it enacted, That the inhabitants of the said city, at the annual town meeting, shall vote such sum or sums of money as they may think necessary to be raised for the ensuing year, for the opening and repairing highways and other exigencies of said city, which sum shall be assessed upon the inhabitants, by the assessor, agreeably to the laws regulating the assessment of the state and county taxes: Provided, that after the completion of a town-house and prison in said city, there shall not be assessed, in any one year, a sum of money exceeding five hundred dollars, unless by a vote of at least two-thirds of the inhabitants, lawful voters, in a regular town meeting assembled; and all moneys voted to be raised at any town meeting as aforesaid, shall be collected by the city collector, at such time and be paid and disposed of in such manner as the common council shall direct; and if no sum, or if one insufficient shall be voted to be raised, and the interest of the city shall require, the common council may call a meeting of the inhabitants, by advertisements, giving five days' notice, and propose to them the sum, in the opinion of the common council, necessary to be raised; and whatever sum the inhabitants shall, by a plurality of voices, vote to be raised, shall be assessed, collected, paid and applied in manner aforesaid: Provided, also, that part of the landed property within the bounds of the corporation, lying on the north side of Cooper street, from the river Delaware, to the east side of the road leading from William Cooper's ferry to Woodbury, thence along the east side of said road, to the intersection of the road leading from Kaighnton to Cooper's creek bridge, shall be exempted from taxation, for and on account of said corporation, except so far as relates to the making and repairs of roads and bridges, whereby the lands so exempted will be benefitted. [Repealed March 1, 1828.] Provided also, that if any person or persons, shall think him, her, or themselves actually aggrieved by any assessment made as hereinbefore directed, he, she, or they may appeal to the common council, who are hereby to hear his, her, or their

Assessments for city purposes.

How to be collected.

Exempt property.

Appeals.

complaint, and redress the grievance, if any shall be made to appear.

Sec. XII. [Repealed and supplied by act of February 9, 1831.]

Sec. XIII. [Repealed and supplied by act of February 9, 1831.]

Duties of the  
marshal and con-  
stables.

Sec. XIV. And be it enacted, That it shall be the duty of the marshal, and of the constables of the said city to execute and return all precepts, summons, warrants, writs and other process to be issued by the said mayor, recorder, or aldermen, or either of them, and to the marshal and constables, or either of them, directed and delivered; and also to do, execute and perform all duties, acts and things, which by the last mentioned acts, and the supplements thereto, the constables of the several townships are required to do, execute, and perform; and the said marshal and constables shall be liable to the same action, recoveries, penalties and forfeitures for neglect of duty and misconduct in office, to which the constables of the several townships in this state are liable.

Penalty for neg-  
lecting duty.

Mayor, recorder,  
and aldermen,  
powers of

Sec. XV. And be it enacted, That the mayor, recorder, and aldermen of the said city, for the time being, shall severally and respectively have all the powers and authorities of justices of the peace of the State of New Jersey; and the said mayor, recorder, and aldermen, or any three of them, of whom the mayor or recorder shall be one, shall constitute a court of general quarter sessions of the peace, in and for the said city of Camden, with all the powers, authority and jurisdiction within said city (except the granting of tavern licenses, and excepting also the hearing and determining of appeals in pauper cases), with which the several courts of general quarter sessions of the peace in the several counties of this state are or may be vested; which court shall be known by and under the style and title of "the court of general quarter sessions of the peace, of the city of Camden," and be a court of record and hold four stated sessions within said city in each year, one on the first Tuesday of February, one on the first Tuesday of May, one on the first Tuesday of August, one on the fourth Tuesday of October, with power to adjourn from day to day, and to hold special sessions when deemed by the said mayor, recorder and aldermen to be necessary; that the town clerk of said city [altered by act of February 26, 1833, sec. 2, 4, p. 9] for the time being, shall be

City court.

Time of holding  
the same.

Clerk of Court,  
duties of



the clerk of said court, and shall perform the like duties, be entitled to receive the same fees and emoluments, and be subject to the same penalties and forfeitures as the clerks of the courts of general quarter sessions of the peace of the several counties of this state; that the said court shall have a seal, and all writs and precepts issuing thereout, shall be under the said seal, and tested in the name of the mayor or recorder, and directed to the marshal or one of the constables of the said city, who are hereby authorized and required to serve and execute the same; and who shall perform the same duties, be entitled to the same fees and emoluments, and be subject to the same penalties and forfeitures as the sheriff and constables of the several counties of this state.

Sec. XVI. And be it enacted, That the said court shall have power, in cases pending before them, to compel the attendance of witnesses from any part of this state, by process of subpoena ad testificandum.

Sec. XVII. And be it enacted, That the powers, privileges, and authorities, granted by this act, to the said mayor, recorder and aldermen of the said city, shall continue and be held by them during the will and pleasure of the legislature of this state, and nothing in this act shall be so construed as to prevent the repealing of same.

Sec. XVIII. And be it enacted, That this act shall be deemed and taken to be a public act, and as such shall be taken notice of by all persons and courts of justice within this state.

## A SUPPLEMENT

To the act entitled "An Act to incorporate a part of the Township of Newton, in the county of Gloucester." Passed February 13th, 1828. Passed 1st March, 1828.

See. 1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That no tax under the authority of the said corporation, shall be assessed, levied upon, or collected from any timber, wood, or farming land, used for the purposes of husbandry only, or the farm house thereon, situate within the bounds of the said corporation, for the use or support thereof.

Sec. II. And be it enacted, That there shall be five aldermen appointed for the said corporation, by the council and general assembly of this state in joint meeting, and commissioned as is directed by the act to which this is a supplement, one of whom, being a freeholder, shall be annually elected and appointed as mayor, by a majority of the common council, within the time directed by the said act, and shall hold his office for one year. [Altered by act of February 26, 1833, sec. 3, 4.]

Repeal of portion of act.

Sec. III. And be it enacted, That so much of the eleventh section of this act to which this is a supplement, as exempts certain lands within the bounds of said corporation from taxes for the use thereof, and all other parts of the said act coming within the purview of this supplement, and repugnant thereto, be, and the same is hereby repealed.

### A FURTHER SUPPLEMENT

To the act entitled "An act to incorporate a part of the township of Newton, in the county of Gloucester." Passed February 13th, 1828. Passed February 9th, 1831.

Taxes, how collected.

Sec. 1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the mayor, recorder or aldermen of the city of Camden, or either of them, to whom a return of the delinquents in their taxes, may or shall be hereafter duly made, to make out and deliver to the marshal or constables of the said city, a warrant or warrants, requiring him or them to levy the tax in arrear with costs, within the time and in the manner prescribed by an act, entitled "An act concerning taxes," passed the 10th of June, 1799, and of the several acts supplementary thereto.

Additional authority to mayor, recorder and aldermen.

Sec. II. And be it enacted, That the mayor, recorder, and aldermen of the said city of Camden, and each of them, shall be deemed, esteemed and taken to be a justice of the peace, within the intent and meaning of an act entitled "An act constituting courts for the trial of small causes," passed the 12th of February, 1818, and of the several acts supplementary thereto; but nothing herein contained shall be construed or taken to enlarge the terri-

torial jurisdiction of the said several officers; but the same shall be and remain co-extensive with the limits of the said city; and that they may in causes depending before them, award writs of subpoena ad testificandum into any county of this state.

Sec. III. And be it enacted, That the twelfth and thirteenth sections of the act to which this is a supplement, be, and the same are hereby repealed. Repeal of sections.

### A FURTHER SUPPLEMENT

To the act entitled, "An act to incorporate a part of the township of Newton in the county of Gloucester," passed February 13th, 1828. Passed February 26th, 1833.

Whereas, It is provided by the twelfth section of the constitution of the state of New Jersey, that the clerks of the courts of quarter sessions, together with other officers in the said section named, shall be severally appointed by the council and assembly, in joint meeting, and continue in office for the term of five years.

And whereas, The act of the legislature, entitled "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February 13th, 1828, constitutes the mayor, recorder, and aldermen of the city of Camden, "a court of general quarter sessions of the peace, in and for the said city of Camden."

And whereas, The appointment of the clerk of said court, as provided for by the said act, is manifestly contrary to the letter and spirit of the said section of the constitution: therefore,

Sec. I. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the clerk of the court of general quarter sessions of the peace, of the city of Camden, shall, from and after the passing of this act, be appointed by the council and general assembly of this state, in joint meeting, and commissioned by the governor, in the same manner as the clerks of the inferior courts of common pleas and quarter sessions of the peace throughout the state are appointed and commissioned, and for the same term of service, and shall be, in like manner, amenable to the council and general assembly of this State. Appointment of clerk of court.

Sec. II. And be it enacted, That the mayor, recorder, City council, how constituted.

aldermen and common council of the said city, when met in common council, shall be known and designated by the name and style of "the City Council."

And whereas, doubts have arisen as to the proper construction of the second section of the act entitled "A supplement to the act entitled an act to incorporate a part of the township of Newton, in the county of Gloucester," passed March first, eighteen hundred and twenty-eight, providing for the election of the mayor of said city of Camden; therefore,

Appointment of  
mayor.

Sec. III. Be it enacted, That the recorder, aldermen, and common council of the said city of Camden, in city council met, shall annually elect and appoint, from among the aldermen of the said city, by the votes of a majority of the said city council, within the time directed by the said act, one suitable person to serve as mayor, who shall hold his office for the term of one year from said election and appointment.

Repeal of the act  
appointing a clerk  
of the quarter  
sessions and a  
mayor.

Sec. IV. And be it enacted, That so much of the fifteenth section of the act to which this is a further supplement, as provides for the appointment of the clerk of the court of general quarter sessions of the peace of the said city of Camden, and so much of the second section of the supplement of said act, as provides for the election and appointment of a mayor of said city, and all such other parts of the said act, and supplement thereto, as comes within the purview of this act, and repugnant thereto, be, and the same are hereby repealed.

Validity of former  
proceedings  
of court.

Sec. V. And be it enacted, That all acts, judgments, and proceedings heretofore done or given by the mayor, recorder, and aldermen of the said city of Camden, as a court of general quarter sessions, are hereby rendered as valid and effectual, to all intents and purposes, as if the clerk of said court had been constitutionally appointed.

**AN ACT TO INCORPORATE THE CITY OF CAMDEN.**

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all that part of the county of Camden lying and contained within the following bounds, that is to say: beginning at a point in the river Delaware as far westerly as the jurisdiction of the state of New Jersey extends, opposite the mouth of a small run of water below Kaighnton, which run is the line between land late of Isaac Mickle, deceased, and land late of Joseph Kaighn, deceased, and running thence east to the mouth of said run; and thence up the same, the several courses thereof, crossing the public road leading to Woodbury from the Camden Academy; thence northerly along the east side of said road to the road leading from Kaighnton to Cooper's creek bridge; thence along the easterly side of said last mentioned road and the southwardly side of the causeway and bridge to the middle of Cooper's creek; thence down the middle thereof, to the river Delaware; thence due north to the middle of the channel between Petty's Island and the Jersey fast land or shore; thence due west to a point as far west as the jurisdiction of the state of New Jersey extends; thence down the said river, on a line as far westward as the jurisdiction of the state of New Jersey extends, to the place of beginning; and all the freemen, citizens of this state, and residing within the limits aforesaid, be, and they are hereby ordained, constituted, and declared to be, from time to time, and for ever hereafter, one body corporate and politic, in fact and in name, by the name of "the City of Camden;" and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, whatsoever, in all manner of actions, suits, com-

Boundaries of city.

Inhabitants incorporated.

plaints, matters and causes whatsoever; and may have a common seal, and alter the same at their pleasure; and also, by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; and that the said city of Camden, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the estate and property whatsoever, both real and personal, which, at the time of the passing of this act are vested in or belong to the said city of Camden, as now incorporated by the name of "the mayor, aldermen and common council of the city of Camden," according to such estate and interest as the said, the mayor, aldermen and common council of the city of Camden, at the time of the passage of this act, have, or of right ought to have, in the same.

Sec. II. And be it enacted, That the said city shall be divided into three wards, as follows, to wit: the first line or division shall commence at the western line of said city in the river Delaware, at a point opposite the middle or centre of Plum street; thence in an easterly direction to the middle or centre of Plum street; thence along the middle or centre of Plum street, in an easterly direction, until it strikes the middle or centre of the road that leads over Cooper's creek bridge and towards Moorestown, the said point being the termination of Plum street and Federal street; thence, still in an easterly direction, along the middle or centre of said road, and crossing the Camden and Amboy Railroad, to the eastern line of said city, in the middle of Cooper's creek. The second line or division shall commence at the western line of said city in the river Delaware, at a point opposite the middle or centre of Line street; thence north eighty-eight degrees and forty minutes east, to the middle or centre of Line street; thence along the middle or centre of said street, north eighty-eight degrees and forty minutes east, to the middle or centre of Broadway street; thence along the middle or centre of Broadway or Woodbury road, in a southerly direction about twenty feet, to the point or middle of what is called Franklin street, being the intersection of said street with Broadway; thence along the middle or centre of Franklin street, south eighty-four degrees and three-quarters of a degree east, to the line or boundary of the said city, in the road leading from Kaighnton to Cooper's creek bridge. All that part of the said city

Wards of the city.

lying and being above or on the north side of the first line or division above mentioned, shall constitute one ward of said city, to be called "the north ward of Camden;" all that part of said city lying and being above, or on the north side of the second line or division, above mentioned, which is not contained or comprised in the north ward of said city, above mentioned, shall constitute another ward of said city, to be called "the middle ward of Camden;" and all that part of said city lying and being below or on the south side of the said second line or division, above mentioned, shall constitute the other ward of said city, to be called "the south ward of Camden."

Sec. III. And be it enacted, That there be, and for ever hereafter shall be, in and for the said city, <sup>Officers of the city.</sup> one mayor, who shall be the keeper of the seal of the city, one recorder, who besides his duties as recorder, shall, in case of death, absence, or disability of the mayor, have, hold, use, and execute the several duties annexed to the mayoralty, and every of them during such absence or other disability; six aldermen, six councilmen, one clerk, one treasurer, and one marshal.

Sec. IV. And be it enacted, That the mayor, aldermen, and councilmen of the said city, or a majority of them, shall constitute the city council of the city of Camden, <sup>Meetings of city council.</sup> and shall hold an annual meeting in said city on the Friday following the second Tuesday of March, yearly and every year, and such adjourned and special meetings as they shall see proper, or shall by ordinance direct and appoint, and shall meet at such place and at such times as they themselves shall agree upon, or by ordinance appoint and fix. The mayor shall preside at the meetings of the city council, and shall have a casting vote only in cases where there shall be a tie; and if the mayor be absent at any meeting, then one of the aldermen may be appointed by the members present, to preside pro tempore; and when met, shall have power to make and adopt such rules, regulations and by-laws for their own government and the dispatch of business as they shall think proper, and pass all such by-laws, ordinances, regulations and rules as are hereinafter provided, and make all such appointments and in general do and perform all such other acts and things as are provided for and warranted by this act; provided, that no by-laws or ordinances shall be passed, amended, revoked or repealed, without the concurrence of at least <sup>Repealed by act of Sept. 25, 1851, Sec. IV.</sup>

seven votes, which number shall be a majority, and constitute a quorum of the said council.

Time and mode  
of annual elec-  
tion.

Sec. V. And be it enacted, That an election by ballot shall be held annually, on the second Tuesday of March, in each of the wards of the said city, at such place as the city council shall appoint, of which place the said city council shall cause public notice, either printed or written, to be set up in five public places in each ward of the city, and to be published in one or more of the newspapers printed therein, at least one week previous to the day of such election; and in default of such notice, the election shall be held at the place where the last annual ward election was held; at which election, two councilmen, one assessor, one collector, one ward clerk, one reputable freeholder, judge of election, three judicious freeholders of good character, to hear and finally determine all appeals relative to unjust assessments in case of taxation in such wards; one constable, and one overseer of the poor, shall be annually chosen in each of said wards, from among the citizens residing therein, and entitled to vote at such election; which said several officers shall hold their respective offices for one year, and until others shall be chosen and legally qualified in their stead; the poll of such election shall be opened at eight o'clock in the forenoon, and close at seven o'clock in the evening; the judge of election, assessor and collector shall be the judges of said election; and in case of the absence, death or refusal to serve of either of the judges, or of the ward clerk, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancy or vacancies at an election for state and county officers; the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the ward clerk; the officers of the election shall take the same qualifications, be entitled to the like compensation, and the said election in all things conducted, continued and concluded, as nearly as may be, according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly of this state; and after the polls shall be closed, the said judges shall count the votes given for the several candidates, and make out two certificates of the result under their hands, and deliver one to the clerk of the ward, to be by him filed and preserved, and deliver the other to the clerk of the city for



the time being to be by him filed and preserved in his office; and the persons having the greatest number of votes shall be declared elected to the offices for which they have been voted for respectively.

Sec. VI. And be it enacted, That at the ward election to be annually held, as aforesaid, there shall be chosen by the electors of the said city, from among the citizens residing therein, and entitled to vote at such election, one person to be mayor, and two freeholders, commonly called chosen freeholders; and that the officers conducting such election shall, in manner aforesaid, proceed to count the votes received for the different candidates, and make out and certify, under their hands, two certificates of the result, with the number of votes given for every person who shall be voted for, one of which said certificates shall be filed and preserved by the clerk of the ward, and the other enclosed, sealed and directed to the city council of Camden, and within three days thereafter, to be delivered, sealed as aforesaid, to the city clerk, who shall lay the same before the city council at their first annual meeting; and the city council, at their first annual meeting as aforesaid, when assembled, shall in a public manner proceed to open the same, and count the number of votes given in the several wards, and shall ascertain and declare who shall be elected by the greatest number of votes to the office of mayor and chosen freeholders, as aforesaid; and the number of votes each candidate received shall be entered upon the minutes of the said city council, and a certificate thereof shall be made and filed in the office of the city clerk.

Election of mayor  
and chosen free-  
holders.

Sec. VII. And be it enacted, That in case a vacancy shall occur, either by a refusal to serve, death, removal, resignation, or from any other cause whatever, in any of the offices, mentioned in the two last preceding sections of this act, it shall and may be lawful for the city council to appoint others to fill such vacancies for the unexpired terms; and the person or persons so appointed to fill such vacancy or vacancies shall, during the said term, perform the like services, and be entitled to the same compensation, and subject to the like responsibilities and penalties, as if elected at the annual election, as aforesaid; and if any of the officers elected at the said annual elections, or who shall be appointed to fill any vacancy under this act, shall not qualify according to law, within thirty days after any such election shall be held, or appointment made by the

vacancies, how  
supplied.

city council, the office to which he or they were elected or appointed shall be deemed vacant.

Election of recorder and aldermen.

Sec. VIII. And be it enacted, That the recorder and aldermen of said city shall hold their offices, respectively, for the term of three years, and be elected at the annual ward election to be held in the said city, as often and whenever their offices shall expire or vacancies shall occur; the recorder shall be voted for and elected at large, in the same manner as the mayor of the city is elected, and the returns of the election of the said recorder to be made out and laid before the city council, and the result ascertained in the same manner in every particular as is provided in the case of the election of the mayor of the said city; and the aldermen shall be elected in the wards, two for each ward of said city, from among the electors residing in said ward; at the first annual ward election held in the middle ward of Camden, there shall be one alderman elected for said ward; and as often and whenever hereafter a vacancy shall occur in the office of any of the said aldermen now holding office, or in the office of any who may be hereafter elected in any of the said wards, the vacancy or vacancies, as the case may be, shall be filled at the next annual ward election to be held in any such ward after such vacancy or vacancies shall occur; provided always, That after the expiration of the terms of office for the three aldermen who now reside in the north ward of said city, or if a vacancy shall occur in the office of any one of the said aldermen now residing in said ward, then there shall be an alderman elected in the middle ward, in the place of the one so made vacant in the north ward.

Election of trustees of common schools.

Sec. IX. And be it enacted, That at the first annual election to be held in the wards of said city, on the second Tuesday of March next, there shall be elected in each of the said wards, from among the electors residing therein, three persons trustees of common schools, one of whom shall hold his office for the term of one year, another for the term of two years, and the other for the term of three years, the term of office to be determined among themselves by lot, as soon as conveniently can be after their election; and at every subsequent annual ward election that shall be afterwards held in said city, there shall be one person elected in each of the said wards as school trustee, who shall hold his office for the term of three years; and in case a vacancy shall occur in the office of any such school trustee, so elected, it shall be filled at the

next annual ward election after such vacancy shall occur, for the unexpired term.

Sec. X. And be it enacted, That the city council shall appoint some fit person, at their annual meeting each year, to be clerk of said city, who shall hold his office for the term of one year, and until his successor shall be appointed; and the said city clerk, so appointed, shall be ex-officio clerk of the city council; also, a treasurer and a marshal of the said city; and in case a vacancy shall occur in either of the said offices, the city council shall have power to fill the same for the unexpired term; also, that the said city council shall have power, when assembled, from time to time, to elect and appoint and prescribe their duties, and under such regulations, conditions, and restrictions as they shall think proper, such other, and all other subordinate officers of the said city, as well as such as are in this act named, and whose appointments or elections are not provided for, as those who are not named herein, and who may, in the opinion of the city council be necessary for the better ordering and governing the said city, for the preservation of its health, or for the convenience, safety and advantage of commerce and trade; provided, nothing herein contained shall be construed to prevent the city council from conferring the power on the mayor of the city to appoint the police officers and watchmen of the city; and provided also, that the city council shall not appoint any person to fill any office provided for in this act, the compensation for which is paid out of the treasury of the city, from among themselves.

Sec. XI. And be it enacted, That the assessor, collector, judge of election, ward clerk, the commissioners of appeal in all cases of taxation, the constables, and the overseer of the poor of each of the wards of the said city, and the chosen freeholders elected in the said city, as aforesaid, shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officer of any township of the county of Camden, to the same extent and in the same manner in all respects as if each of the wards of said city was constituted a separate township of the said county of Camden, as far as such power and duties should be consistent with the provisions of this act; and the said school trustees elected

City council to  
appoint a clerk.

Powers and du-  
ties of officers.

under this act, shall have charge of the public schools of the said city, and shall possess all the power and perform all the duties that are imposed upon the trustees of the public schools of the township of Camden, by the act entitled "An act to provide for the establishment of public schools in the township of Camden, in the county of Gloucester," passed March fourth, eighteen hundred and forty-four; and shall have power to contract for and purchase suitable lots in said city for the purpose of erecting school houses, and to build and erect school houses, the cost and expense of which shall be paid by the said trustees, out of the moneys by them received for school purposes; but all deeds and conveyance for any lot or lots so purchased for the erection of school houses, shall be executed to and held by the corporation of the said city, in its corporate name; and that the members of the city council of the said city, collectively and individually, shall possess the powers and perform the duties which by law belong to, or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

Officers to take  
oath or affirma-  
tion.

Sec. XII. And be it enacted, That all the officers appointed under the authority of this act shall, before they severally take upon themselves the execution of their respective offices, take and subscribe an oath or affirmation, before the mayor, recorder, or one of the aldermen of said city, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them, according to the best of their abilities and understanding; which said oath or affirmation, when so taken and subscribed, shall be filed and preserved by the clerk of the said city, in his office.

Assessment and  
collection of  
taxes.

Sec. XIII. And be it enacted, That the assessors of the several wards of the said city shall assess upon the persons and property within the said city, and the collectors of the several wards of the city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required to be assessed and collected for the use of the city, and for the support of the schools of the city, in the same manner and within the same time as the assessors and collectors of the townships of the county of Camden are or may be required to assess and collect the state and county taxes in their respective townships; and the com-

missioners of appeal in cases of taxation shall meet at such places in their respective wards in the said city as the city council shall appoint; and in case the city council shall neglect to appoint a place, then they shall meet at the place where the last annual election for said ward was held, and on the same day, and upon the like notice given as now is or hereafter shall be by law prescribed for the meeting of the like officers of any township of this state, and, when so met, shall have full power and authority to hear and determine all complaints of unjust taxation in said ward, whether the same be assessed for the use of the state, county, city, or schools, in the same manner as the like officers of the townships of this state are authorized and required to do.

Commissioners  
of appeal.

Sec. XIV. And be it enacted, That all elections hereafter to be held in the said city for state and county officers, members of the house of representatives of the United States, and the electors of the president and vice-president of the United States, shall be held in the several wards of the said city, at the place therein appointed by the city council for holding the ward elections, on the day which now is or hereafter may be designated for holding such elections, the polls to be opened and closed at the hours prescribed by the laws of the state, and the judge, assessor, and collector, before mentioned, shall preside at and conduct all such elections; and the clerks of the said wards shall be clerks of such election in their respective wards; and the said judges and clerks of said elections shall take the same qualifications, and in all things conduct the said election according to the laws which now are or hereafter may be in force regulating and prescribing the mode of holding and conducting such elections. Every person in said city entitled to vote at any election held in the said city, shall give his vote in the ward where he actually resides at the time of such elections, and not elsewhere.

Election of state  
and county off-  
cers.

Sec. XV. And be it enacted, That the same notice in matters of election that the clerk of the county of Camden is required to give to the clerks of the townships, shall be given to each of the clerks of the wards of said city.

Notice of election  
to be given.

Sec. XVI. And be it enacted, That the clerk of the ward, assessor, commissioners of appeal in cases of taxation, overseer of the poor, and constable, hereafter elected or appointed as aforesaid, in any ward of said city, shall, before they enter upon the execution of their respective

Clerk, assessor,  
&c., to take oath.

offices, severally take and subscribe, before one of the justices of the peace, or the mayor, or the recorder, or one of the aldermen of the city, an oath or affirmation, in the form prescribed for the like officer or officers in any township of the county of Camden, in the nineteenth section of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, using the word "city," instead of the word "township," and introducing into said oath or affirmation the name of the ward for which the said officer shall have been elected as aforesaid; which oath or affirmation, so taken and subscribed, shall be delivered forthwith to the clerk of the city, to be by him filed and preserved in his office; and in case any of the officers aforesaid shall fail to take such oath or affirmation within the time prescribed by law for taking the same, or shall neglect to file the said oath or affirmation with the clerk of the said city, his office for which he shall have been elected shall be deemed vacant.

Treasurer, collector and constables to give bond.

Sec. XVII. And be it enacted, That the treasurer of the city, and each of the collectors and constables, elected or appointed as aforesaid, before they enter upon the execution or duties of their respective offices, or be qualified to serve, shall repair to the city council, and shall severally execute their respective bonds to the city of Camden, in such sums and with such freeholders as security, as the city council shall prescribe, direct and approve, conditioned for the true and faithful performance of all the duties of their offices, respectively; the bonds of the constables shall be made to conform to the form prescribed by the first section of the act entitled "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables' bonds of the townships of this state, as near as may be, making such alterations as may be necessary to make it conform to the wards of the city of Camden; which said bonds, after the same shall be approved by the city council, shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office, and may be sued and prosecuted in the same manner as the bonds of the like officers of this state are or may be sued and prosecuted.

City council to pass ordinances for government of the city.

Sec. XVIII. And be it enacted, That it shall and may be lawful for the city council, or a majority of them, in

city council assembled, to pass such ordinances as they shall judge proper for regulating, cleaning and keeping in repair the streets, highways and alleys of said city; for preventing the encumbering or obstructing the highways, streets, alleys and sidewalks in said city, and preventing and removing all encroachments in or upon the same; and for preventing persons from riding, driving or passing over or upon the sidewalks with beasts, wagons, carts, barrows, or carriages of any description; for preventing the immoderate driving or riding through or in any street, highway or alley of said city; for preventing or regulating the running at large of cattle, horses, dogs, swine, sheep, goats or geese, or imposing a reasonable tax on the owners or possessors of dogs; for abating or removing any nuisance in any street, alley, or any lot or lots, or enclosures, or other place or places in said city; and for causing common sewers and drains to be made, and granting permission to construct and regulate the construction of vaults in any part thereof; for grading, paving, flagging, curbing, gravelling or macadamizing the highways, streets and alleys of said city, and the sidewalks thereof, or any of them, and for protecting shade and ornamental trees in said city; for protecting public or private property and property belonging to the corporation; for providing for a supply of water for said city, and for lighting the same; for preventing or restraining riots, routs, disturbances or disorderly assemblages, noisy, disorderly or indecent conduct and drunkenness, in any street, house or place in said city; and for regulating, protecting and improving the public grounds in said city; preserving aqueducts in said city, and sinking and regulating wells, pumps and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires; for regulating or preventing the carrying on of manufactures dangerous in causing or promoting fires; for regulating the keeping and transporting of gunpowder or other combustible material; for authorizing the erection and building of partitions or party walls and fences, and to regulate and govern the same; and it shall be lawful for the said city council, when assembled as aforesaid, for the better security of said city against fire, to prohibit the building or erection of any dwelling house, store, stable, or other building of wood or other combustible material, within such parts of the city as they shall by ordinance or by-law designate; and to appoint and remove fire wardens, and by ordinance to

prescribe the powers and duties of such fire wardens, and of the fire engineers and firemen; to pass ordinances for protecting goods from being purloined at fires; for compelling the cleaning of chimneys and licensing chimney sweeps; for regulating the dimensions of chimneys hereafter to be built; for appointing watchmen and police officers, and prescribing their powers and duties; for regulating weights and measures, and the gauging of all casks of liquors and liquids; for regulating petty grocers, keepers of ordinaries, victualing houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for regulating hawkers, peddlers, petty chapmen and showmen within the said city; for restraining vagrants, mendicants, and street beggars; for regulating cartmen and cartage; for regulating the speed of locomotives and railroad cars within the limits of said city; for erecting, maintaining, and regulating one or more public markets in said city, and a city hall, a town house, city prison or jail, together with such other public buildings as may be necessary for said city; and the said city council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality, for preserving peace and good order, for the prevention of forestalling and regrating, for suppressing and restraining disorderly and gambling houses and groggeries, and such other by-laws and ordinances, not repugnant to the laws of this state or of the United States, as they may consider calculated to promote the welfare, good order, government, health, and prosperity of the said city and the inhabitants thereof, and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, by fine or imprisonment, or both; the fine in no case to exceed two hundred dollars, and the imprisonment thirty days; which laws and ordinances shall be published for the space of three weeks, in at least two of the newspapers of the said city, at least once a week.

Marshal and police officers authorized to arrest offenders.

Sec. XIX. And be it enacted, That the marshal, police officers, and constables of the said city are hereby empowered to arrest and take into custody, without warrant, any offenders against the laws and ordinances of the said city, or any person or persons disturbing the peace or quiet of said city and to carry such offenders immediately before the mayor, recorder, or one of the aldermen of said city, who are hereby empowered and authorized to hold



courts and take cognizance of such offenses, which said courts so held shall be courts of record; or in case the said arrest shall be made during the night or on the Sabbath day, or when the mayor, recorder, or aldermen, or either of them, can not hear the same, or hold such courts to confine such offender or offenders in the jail, or in some other safe and convenient place in said city, until the day following, or until such time as the same can be heard, and then without unnecessary delay, carry such offender or offenders before the mayor, recorder, or one of the aldermen as aforesaid; or the mayor, recorder, or either of the aldermen of the said city, may arrest and apprehend any such offenders for offences committed in their presence; or upon complaint made in writing, under oath or affirmation, may issue a warrant directed to the marshal or one of the constables, or one of the police officers of said city, or any or either of them, commanding such officer to take such offender or offenders, and bring him, her, or them forthwith before such person issuing said warrant; and when any such offender or offenders shall be arrested or brought before any such mayor, recorder, or alderman, as the case shall be, to proceed in a summary manner to hear and determine the same, and punish the offender or offenders; and if he, she, or they, as the case may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant commanding the officer aforesaid, or one of them, to convey such offender or offenders, as the case shall be, either to the city jail or to the jail of the county of Camden, specifying in said warrant which one of the said jails, there to remain until the term of his, her, or their imprisonment shall have expired and the costs of conviction be paid; and in case the said offender or offenders shall be sentenced to pay a fine, then for the said mayor, recorder, or alderman, as the case shall be, either to order the offender or offenders to be committed to one of the jails aforesaid, until the fine and costs are paid, or to issue a warrant, directed to the marshal, or one of the constables, or one of the police officers of said city, or to any or either of them, commanding said officer to levy and make such fine and costs of the goods and chattels of such offender or offenders, as the case may be; and for want of sufficient goods and chattels to take and convey such offender or offenders, to one of the jails aforesaid, specifying to which one, there to remain until such fine and costs be paid or satisfied; which said fine, when paid or collected shall be paid over unto the treasurer of the city

for the use of the said city, unless otherwise directed by the city council; provided always, that any such offender or offenders, convicted as aforesaid, may appeal to the city council upon such terms and conditions as the said city council may by ordinance prescribe and impose, but such appeal shall be made within twenty days from such conviction.

Jailors to keep prisoners.

Sec. XX. And be it enacted, That the jailor of the county of Camden, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of the county of Camden, for the time or term of his, her, or their imprisonment; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said city.

Records of ordinances to be received as evidence.

Sec. XXI. And be it enacted, That the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage, by the city council, of all ordinances and by-laws recorded therein; and further, that the publication by authority of the city council, of their ordinances and by-laws, in a volume or pamphlet form, shall, in like manner, be taken and received as evidence of the due passage thereof; and that the publication of the said ordinances and by-laws in at least two of the public newspapers of the said city, according to law, shall, in all cases, be presumed to have been made, until the contrary shall be made to appear.

Witnesses in trials where the city is a party.

Sec. XXII. And be it enacted, That upon the trial of any issue, or upon judicial investigation of any fact, to which issue the city of Camden shall be a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant, freeholder, or freeman of the said city.

City council to raise money, by tax for city purposes.

Sec. XXIII. And be it enacted, That it shall be lawful for the city council of the said city, by ordinance, to order the raising, and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient, for defraying the expenses of lighting the streets of said city; supporting a night watch therein; supplying the said city with water; for supporting the fire engine department; maintaining and supporting the poor; purchasing a lot or lots in said city, for the purpose of erecting market houses, city hall, jail and such other public buildings as may be necessary and convenient for

the said city, and for opening, regulating, paving, flagging and gravelling the streets of said city; for defraying the contingent expenses of the said city, and for all other objects and purposes whatever authorized by this act; which said ordinance shall specify the amount to be raised for each purpose, whether for general expenditure or for the local expenditure of each ward; so much of the said taxes, nevertheless, as shall be raised for lighting the streets of said city, supporting the police therein, supplying the city with water for the extinguishment of fires, regulating, paving, flagging, curbing, gravelling the streets, improving the public grounds, as aforesaid, be assessed and collected upon and from all persons residing and lands located within the lamp or watch district of said city, to be by said city council hereafter, from time to time, by ordinance established, which tax, when raised and collected, shall be immediately paid over unto the treasurer of the city, to be subject to the order of the city council; and it shall be lawful for the city council to borrow money, from time to time, in the corporate name of the said city, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the city and signature of the mayor, and to provide by tax for the payment thereof; provided, that no loan shall be made without the concurrence of at least a majority of all the members of the city council; and there shall not be a greater sum than ten thousand dollars raised by loan in any one year; and that the said city shall not owe over fifty thousand dollars at any one time.

Sec. XXIV. And be it enacted, That the city council of said city shall determine by ordinance, in the same manner as is provided in the section last aforesaid, the amount of tax to be raised each year in said city for school purposes, and shall order and direct the assessors of the said city to assess and raise such sum or sums of money, not exceeding in any one year two mills in the dollar, as they shall think necessary and expedient to support and maintain the common schools and for erecting school houses in the said city, which tax, when raised and collected, shall be paid immediately over unto the treasurer of the school trustees for the time being, and his receipt, and it alone, shall be a discharge for the same to the officer receiving the said tax; provided, that nothing in this section con-

Tax for support  
of common  
schools.

tained shall be construed to prevent any constable, collector, or other officer, from being sued, or the bond that any such officer shall have given, from being prosecuted on account of any such tax, in the name of the city of Camden, for the use of said trustees.

Assessors to furnish abstracts of assessment.

Sec. XXV. And be it enacted, That it shall be the duty of the assessors of the different wards of said city, created by this act, when any money is ordered to be raised by virtue of this act for the city or for school purposes, to meet at the court house in said city, or at such other place in said city as the city council shall appoint, at ten o'clock in the forenoon, on the Tuesday following the day by law fixed for meeting of the board of assessors of the county of Camden each year and at such meeting to furnish full, true, and accurate abstracts, under oath or affirmation, from their respective tax books, of all lands, tenements, and real estate by them assessed, and all chattels, effects, estates, and certainties so by them respectively made, as are required by law to be made and rated, and to estimate and rate the personal property and certainties so by them made and furnished, and to fix the amount or proportion of tax to be levied and collected thereon, and to adjust and fix the rate per dollar for city purposes, and the rate per dollar for school purposes, to be levied and collected on the lands, tenements, and real estate as aforesaid, and to ascertain the proportion or quota of tax for city and school purposes, to be levied and collected in each ward of said city; provided always, that the moneys ordered to be raised for lighting, opening, cleansing, regulating, paving, flagging, gravelling, and improving the streets of said city, shall be assessed upon and collected from the persons residing in, and lands located within the ward in which said moneys may be required to be expended; and the assessors of said city shall, within thirty days after such meeting as aforesaid, deliver to the clerk of the city the tax book or assessment by them so made, respectively, or a true transcript or duplicate thereof, which shall be preserved by said clerk in his office, as a matter of reference for those who desire to examine the same.

The collector to state the amount of tax for different purposes.

Sec. XXVI. And be it enacted, That the collectors of the said city, in making the demand of the tax or sum assessed, and giving the notice required to be made and given by the laws of this State, shall at the same time also state the amount of tax assessed and levied on the real estate and the amount of tax assessed and levied on the

personal estate and certainties, for state purposes, for county purposes, for city purposes, and for school purposes, respectively.

Sec. XXVII. And be it enacted, That from and after the passage of this act, it shall be the duty of the assessor of the city of Camden, in assessing and raising the state, county, city, and school tax, which may be from time to time ordered to be assessed and raised in the said city, to estimate and rate all the lands, tenements and real estate, lying and being in the said city, according to its value at the time of making the assessment, when the land is laid out in lots, valuing it and rating it at so much per lot; but when the land has not been run out into lots, valuing and rating it by the piece or aere, as it then lies; and for the purpose of ascertaining what may be the true and real value of the different lots, tracts and pieces of land and tenements, lying and being in the said city as aforesaid, the city council may appoint, from time to time, and as often as they may think proper, one or more fit and judicious freeholders, residing in the said city and acquainted with the value of real estate therein, to accompany each of the assessors of the different wards, to assist them to value and estimate the real estate as aforesaid; which said person or persons so as aforesaid appointed, before he or they proceed to execute the duties of his or their appointment, shall repair to either the mayor, recorder, or one of the aldermen of said city, who are hereby fully empowered to administer the same, and take and subscribe an oath or affirmation truly, fairly, and impartially, and according to the best of his or their judgment and belief, to value and estimate the same.

The manner of making assessments.

Sec. XXVIII. And be it enacted, That it shall be the duty of the assessors and collectors of the said city to keep the amount of tax assessed against each lot or tract of land belonging to any individual, separate and distinct from the other tax which may be assessed against his personal or other property, and to make out and return the amount due on each lot or tract of land and premises, and the street or streets, alley or alleys, whereon the said lot, tract, or piece of land and premises is situated, with a short description of the same, and the owner or owners' names; and the taxes and assessments which shall be made upon any such real estate in said city by virtue of this act, whether the same be state, county, city or school tax,

Lands may be sold for taxes.

shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage or other incumbrances thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the city council to cause the lands, tenements, and real estate, or such part thereof as they may think proper, to be sold at public auction for the shortest time for which any person or persons will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, including justices and constables fees, cost of advertising, selling, and executing the deeds, and to make and execute, under the seal of said city, a declaration of such sale, and deliver the same to the purchaser or purchasers; and such purchaser or purchasers, his, her, or their executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his, her, or their own use, against the owner or owners thereof, and all persons claiming under him, her, or them, until his, her, or their said term shall be completed and ended; and shall be at liberty, at or before the end of his, her, or their term, to remove the buildings and materials erected and placed by him, her, or them thereon, taking care to leave the same in as good order and condition as the said premises were when they came into his, her, or their possession.

Notice of sale to  
be given.

Sec. XXIX. And be it enacted, That the said city council, before they shall proceed to sell any lands, tenements, or real estate for the payment of taxes as aforesaid, shall cause such sale to be advertised at least once a week, for eight weeks successively, in at least two public newspapers printed and published in said city, and also by advertisements put up in at least ten public places in said city, which advertisements shall mention the street or streets on which the said property is situate, the amount of tax due, and the owner or reputed owner's name; and the said lands, tenements, or real estate so sold may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money, with interest at the rate of twelve per cent. per annum, to be computed from the day of sale, and all the expenses and charges

How owner or  
mortgagee may  
redeem.

necessarily incurred thereon by the purchaser or purchasers as aforesaid; and in case the same shall be redeemed, as hereinbefore provided, by the mortgagee or mortgagees, or if the said mortgagee or mortgagees shall have paid the said tax or assessment, with the interest and cost thereon, to prevent the said premises from being sold to pay the same, then, and in that case, the whole amount of the payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner, in all respects, as if the same were included in and intended to be secured by the said mortgage; and any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or real estate, in assessing the taxes thereon, shall not invalidate the said assessment or sale of said real estate as aforesaid.

Sec. XXX. And be it enacted, That whenever, within said city, any tax shall remain unpaid, and be returned by the collector for want of payment, the same shall bear an interest at the rate of twelve per cent. per annum, from the day on which the same shall be so returned until paid; and it shall be the duty of the constable, or persons authorized to collect and receive such tax, to charge, receive, and collect, in addition to the amount of tax, the interest thereon as aforesaid; and such interest shall be paid over and accounted for by the officer, or person receiving the same, to the said city, as a part of the tax collected by him.

Interest to be charged on taxes.

Sec. XXXI. And be it enacted, That it shall be lawful for the city council of the said city to pay unto the mayor of the city for his services as mayor, any sum not exceeding five hundred dollars per year; and to the treasurer, clerk, and all other officers and agents of the said city, such compensation for their services as the city council shall deem reasonable and proper, and to allow the assessors and collectors of said city such extra compensation for their services, in assessing and collecting the taxes, as they shall think reasonable and just.

Officers to receive compensation.

Sec. XXXII. And be it enacted, That the city council shall have exclusive control over all the highways, roads, streets, and alleys of said city, and shall have power to compel the owners of real estate in said city, or in such parts thereof as they by ordinance shall direct, to grade,

City Council may cause streets to be paved, &c.

pave, gravel, flag, and curb the sidewalks thereof, along and opposite to such owner or owners' property; and whenever a majority in value of the landholders along any said street or alley, or of any part of such street or alley, shall desire the same, or any part thereof, to be paved, graveled, or otherwise permanently improved, the city council, on the petition of the said owners, may order and direct the same to be done, and may appoint one or more discreet and skilful persons to superintend the said work, and to prescribe the manner in which the same shall be performed, and to enforce such ordinance and regulations concerning the same, by enacting fines or penalties for not complying therewith.

Proceedings in  
case owners re-  
fuse to pave, &c.

Sec. XXXIII. And be it enacted, That in case any owner or owners of any real estate in said city, as aforesaid, shall refuse and neglect to comply with the ordinances in the last section above mentioned, and not grade, pave, gravel, flag or curb the street, alley or sidewalks thereof, or grade the same, as may be by said ordinance directed, and in the manner prescribed, for the space of thirty days from the time when the same is required to be done, it shall be lawful for the city council to cause the same to be done, and paid for out of any moneys in the hands of the treasurer of the city; and when so done they shall cause a particular statement and account of the costs or expense of doing said work to be filed with the clerk of said city; and the costs or expenses of performing the said work, as aforesaid, shall remain a lien upon the real estate as aforesaid, from the time of performing the said work until paid and satisfied; and the said city council may, at their option, sue for and recover the amount so paid as aforesaid from the owner or owners of such real estate, or his or their legal representatives, with interest and cost of suit, in any court of this state having cognizance thereof, in an action on the case, in the name of "the treasurer of the city of Camden," without specifying the individual name of the treasurer for the time being, for so much money by them paid, laid out, and expended to and for the use of such owner or owners, or his or their legal representatives; and in every such action the said statement or account, filed as aforesaid, with the proof of the amount paid, shall be conclusive evidence for the plaintiff, or cause the said real estate, or such part thereof as they think proper, to be advertised and sold for the shortest period of time that any person or



persons will purchase the same and pay the said amount with interest and all the costs and expenses of publishing notice, advertising, selling and making a deed; and when sold to execute, under the seal of the city, a declaration of such sale to the purchaser or purchasers aforesaid, in the same manner, and under the same regulations and restrictions, and with the like effect in all particulars, and with the same privileges to the owner or owners, the mortgagee or mortgagees, to redeem, as is enacted and provided for selling land and real estate for the payment of the taxes due thereon by this act; provided, that if any owner or owners of lots or real estate shall not reside in the city at the time when the said work is required to be done, then it shall be the duty of the city council, before they shall proceed to do or have the same done, to cause a notice to be inserted in at least two of the newspapers of said city, and published for four weeks therein, at least once a week, setting forth the name or names of the owner or owners, or reputed owners thereof, the street whereon the property is situate, and that unless the said owner or owners shall comply with such ordinance, and perform the said work within four weeks from the date of said notice, the city council will cause the same to be done at his, her or their expense, as the case shall be; provided also, that nothing in this section contained shall be construed to affect any fines or penalties enacted for violating any such ordinance in the last section above provided.

Sec. XXXIV. And be it enacted, That if the tenant of any lot or house, or real estate whatever, within the said city, shall cause the street, alley, or sidewalks thereon in front of such property to be graded, paved, flagged, curbed or gravelled, in obedience to such ordinance or regulation, at his or her individual expense, or shall pay the amount thereof, with the interest and costs that shall have accrued thereon, to the treasurer of the said city, when the city council shall have performed the work as aforesaid, it shall and may be lawful for him or her to deduct the same out of the rent, or sue for and recover the same from the landlord or owner, or his or her legal representatives, with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him or her paid, laid out and expended, to and for his, her or their use, as the case is; provided, that nothing in this section shall affect any con-

Tenants may recover from landlords the amount paid for paving, &c.

tract or agreement made, or to be made, between landlord and tenant, respecting such charges or expenses.

City council  
may open streets,  
&c.

Sec. XXXV. And be it enacted, That it shall be lawful for the said city council to lay out and open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city to be vacated, opened, altered, widened, whenever and so often as they shall judge the public good requires the same to be done; and the said city council shall give notice to the owner or owners of any lands, or real estate, with the appurtenances necessary to be taken for either of said purposes, or to his, her or their agent or legal representatives, of their intentions to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the city council cannot agree with such person or persons for the same, then it shall be lawful for the city council to appoint five disinterested freeholders of the said city, at least one from each ward, commissioners to make an estimate and assessment of the damage that any such owner or owners will sustain by laying out, altering, or widening any such street, road, highway, or alley; and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley; provided always that nothing in this act shall be construed to authorize the said city council to take and appropriate any grave yard, burying ground, or place used for burying the dead for streets, roads, highways or alleys, without the consent of all the owners or proprietors thereof.

Publications to be  
made in case of  
non-resident  
owners.

Sec. XXXVI. And be it enacted, That in case the owner or owners of any lands or real estate necessary to be taken for the laying out, opening, altering, or widening any street, road, highway, or alley in the said city, shall be non compos mentis or out of the state, or cannot be ascertained on reasonable inquiry, and no agent or legal representative of such owner can, on like inquiry, be found in this state, then it shall be lawful for the city council of the said city to proceed to the appointment of

the commissioners mentioned and provided for in the last preceding section of this act, after publishing in at least two of the newspapers published in said city, for the space of four weeks, at least once in each week, a notice of the intention of the city council to take such land or real estate, and appropriate it for such street, road, highway or alley.

Sec. XXXVII. And be it enacted, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed, before the mayor, recorder, or one of the aldermen of said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment.

Commissioners  
to take oath.

Sec. XXXVIII. And be it enacted, That the city council shall appoint a time and place, within the said city, for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, one whereof shall be in each of the wards of said city, at least twenty days before the time of meeting; which advertisements shall specify the street, road, highway or alley proposed to be laid out, altered or widened, the alterations proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes, and also cause a written notice to be served upon each of the owners who reside in said city, or whose place of residence is known; and if the place of residence of any such owner that is known be not in the city of Camden, then a notice placed in the post office, directed to him or her, at his or her place of residence, shall be a sufficient notice; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of said city, and the same being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purpose aforesaid; provided however, that any

Notice to be  
given of the  
meeting of com-  
missioners.

person or persons conceiving himself, herself, or themselves aggrieved by the proceedings of the city council or the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the city council; and the said supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

Damages assessed  
may be sued for.

Sec. XXXIX. And be it enacted, That in case of non-payment, on demand, of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the city of Camden, in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the commissioners and city council, or award of said jury, shall be conclusive evidence against the defendants.

City council may  
cause city to be  
surveyed.

Sec. XL. And be it enacted, That the said city council shall have power, and may, from time to time, cause the said city, or such parts thereof as they may think proper, to be surveyed and mapped, and may survey and make maps of all such roads, streets, alleys, and public passages as have been dedicated to the public, as they shall think proper; and all such streets, roads, alleys, ways, when surveyed, and such surveys approved by the city council and filed, shall be deemed and taken to be public streets or highways, and be treated as such in all respects; also, to cause to be made, within said city, surveys and maps of the said city, or any part thereof, which has not yet been laid off or run out into streets, and to determine where the streets and thoroughfares shall run, and to mark the lines and establish the grades thereof; which said lines and grades, so established, and the surveys and maps made thereof, and approved by the city council, shall be binding upon the owner or owners of the said land or real estate so surveyed and mapped as aforesaid; and whenever the owner or owners thereof see proper to open streets, and lay out his or their property in lots, he, she, or they shall open the streets and thoroughfares as they shall have been laid out, surveyed, and marked, and according to the lines and grades established as aforesaid; and the said street and thoroughfares, when so opened

by the owner or owners thereof, shall be public streets and highways, and shall be treated as such in all respects.

Sec. XLI. And be it enacted, That it shall be the duty of the city treasurer, once in each year, to make out a statement of all moneys received and paid out during the year, showing the source from whence received and to what applied, the amount of indebtedness of the city, and the balance of funds, if any, in his hands; which statement shall be filed in the office of the clerk of the city, at least twenty days before the next annual election for ward and city officers; and the city council shall cause the same to be published in at least two of the newspapers published in the said city, at least two weeks previous to such election.

Treasurer to  
make annual  
statement.

Sec. XLII. And be it enacted, That the mayor, recorder, and aldermen of the said city, and each and every of them, shall have jurisdiction in all matters of a criminal nature, and in all matters of a civil nature that the justices of the peace, or any of them, of the county of Camden, now have, or hereafter may have; such jurisdiction to be limited within the bounds of the city of Camden, with full power to issue process, and to hear, try, and determine all suits at law of a civil nature, within the said bounds, that are cognizable before any of the justices of the peace of the county of Camden, including cases in attachment, in the same manner and with the like effect in every particular, and under the same rules and regulations, as are now provided and enacted in cases before justices of the peace, or which may be hereafter provided and enacted.

Jurisdiction and  
powers of mayor.

Sec. XLIII. And be it enacted, That the mayor, recorder, and aldermen of said city, or any three of them, of whom the mayor or recorder shall be one, shall constitute a court of general quarter sessions, in and for the said city of Camden, with all the powers, authority, and jurisdiction, within said city, with which the several courts of general quarter sessions of the peace in the several counties of this state are or may be vested; which court shall be known by and under the style and title of "the court of general quarter sessions of the peace of the city of Camden," and be a court of record, and hold four stated sessions within the said city in each year, one on the fourth Tuesday of January, one on the fourth Tuesday of April, one on the fourth Tuesday of July, and one on the fourth Tuesday of October, with power to adjourn from

Court of general  
quarter sessions.

day to day, and to hold special sessions, when deemed by the said mayor, recorder, and aldermen to be necessary; that the said court shall have a seal, and all writs and precepts issuing thereout shall be under the said seal, and tested in the name of the mayor, or recorder, and directed to the marshal or one of the constables of the said city, who are hereby authorized and required to serve and execute the same, and to attend all the said courts, and perform the same duties, and be entitled to the same fees and emoluments, and be subject to the same penalties and forfeitures, as the sheriff and constables of the several counties of the state; and said court shall have power, in cases pending before them, to compel the attendance of witnesses from any part of this state, by process of subpoena ad testificandum.

Clerk of court.

Sec. XLIV. And be it enacted, That the clerk of said court shall be elected, at the annual ward election, from among the legal voters residing in the city, as nearly as may be, and the result ascertained in the same manner as is provided in this act for the election of the recorder of the city, and be commissioned by the governor, and shall hold his office for the term of five years, and perform the like duties, be entitled to receive the same fees and emoluments, and be subject to the same penalties and forfeitures, as the clerks of the courts of general quarter sessions of the peace of the several counties of this state.

Appropriation of school fund.

Sec. XLV. And be it enacted, That each ward of said city shall be entitled to its just proportion of the annual appropriation of the school fund of this state, and to its just proportion and quota of the interest on the surplus revenue apportioned to and received, or to be received, by the state of New Jersey, to be ascertained in the same manner as the proportion or quota of the townships of this state now or hereafter shall be ascertained; which said moneys shall be paid immediately over to the treasurer of the trustees of the common schools for the time being, and be applied to school purposes in the wards of said city.

Former acts repealed.

Sec. XLVI. And be it enacted, That the act entitled "an act to incorporate a part of the township of Newton in the county of Gloucester," passed thirteenth of February, eighteen hundred and twenty-eight, and the act entitled "a supplement to the act entitled an act to incorporate a part of the township of Newton, in the county of

Gloucester," passed February thirteenth, one thousand eight hundred and twenty-eight, passed first of March, eighteen hundred and twenty-eight; and the act entitled "a further supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thirteenth, one thousand eight hundred and twenty-eight, passed the ninth day of February, eighteen hundred and thirty-one, and the act entitled, "a further supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thirteenth, one thousand eight hundred and twenty-eight, passed the twenty-sixth day of February, eighteen hundred and thirty-three; and the act entitled, "a supplement to an act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thirteenth, eighteen hundred and twenty-eight, passed March ninth, eighteen hundred and forty-four; and the act entitled "a further supplement to the act entitled," "an act to incorporate a part of the township of Newton, in the county of Gloucester," passed the thirteenth of February, eighteen hundred and twenty-eight, approved February the twenty-fifth, eighteen hundred and forty-eight; and the act entitled, "a further supplement to an act to incorporate a part of the township of Newton, in the county of Gloucester," passed the thirteenth day of February, in the year of our Lord one thousand eight hundred and twenty-eight, approved March ninth, eighteen hundred and forty-eight; and the act entitled, "an act to establish a new township in the county of Gloucester, to be called the township of Camden," passed the twenty-eighth day of November, eighteen hundred and thirty-one, and all other acts and parts of acts not consistent herewith, be and the same are hereby repealed; provided always, that this repealing clause shall in no wise be construed to repeal any ordinance, by-law, or resolution, or any other legal act heretofore passed, made, or done by the city council of the city of Camden, and not repugnant to this act, or to defeat, avoid, or discontinue any writ, precept, process, indictment, order, judgment, recognizance, or other proceeding of the present court of the city, but the same shall continue and be in force and executed under this act, or to vacate and determine the office of mayor, recorder, aldermen, councilmen, or clerk of the court of quarter sessions, or any other officer or officers holding office under or by virtue of any of the said

acts so repealed, but the same may continue in and hold their respective offices for the term for which they were respectively appointed, the same as if this act had not been passed; provided also, that nothing contained in this act shall affect any bond or other security given by a constable, collector, treasurer, or other officer of said city, but the same may be sued in the same manner, with the like effect, as if this act had not been passed.

Act may be amended.

Sec. XLVII. And be it enacted, That this act shall be deemed and taken to be a public act, and may at any time be amended, altered, or repealed by the legislature of this state, and shall take effect on the eleventh day of March next.

## A SUPPLEMENT

To an Act entitled, "An act to incorporate the city of Camden," approved February 21, 1851.

Election of councilmen.

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That at the annual election to be held in the city of Camden, on the second Tuesday of March next, there shall be chosen in each of the wards of the said city, from among the citizens residing therein, and entitled to vote at such election, six councilmen; and the result of such election shall be ascertained and certificates of the result shall be filed and preserved, in the same manner, in every particular, as is prescribed in the act to which this is a supplement, for the election of Councilmen.

Returns filed.

The annual meeting of council.

Sec. II. And be enacted, That the councilmen so elected shall hold an annual meeting in said city on the Friday following the second Tuesday in March, yearly and every year, and such adjourned and special meetings as they shall see proper, or shall by ordinance direct and appoint, and shall meet at such place and such times as they themselves shall agree upon, or by ordinance appoint and fix, and when met shall have power to make and adopt such rules, regulations and by-laws for their own government and the dispatch of business as they shall think proper, and in general to do and perform all such other acts and things as are provided for and warranted by the act to which this is a supplement, not inconsistent with this act; provided, that no by-law or ordinance shall be passed, re-



voked or repealed, without the concurrence of at least ten votes, which number shall be a majority and constitute a quorum of said council.

Sec. III. And be it enacted, That as soon as the city council, elected as aforesaid, shall meet after the first election to be held in pursuance of this act, they shall be divided by lot into three classes, so that each class shall consist of two councilmen from each ward. The seats of the councilmen of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; so that one class may be elected every year; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies, shall be elected for the unexpired terms only; in which case it shall be necessary to designate on the ballot for which term the person voted for is intended, by adding after the names of the persons intended to supply vacancies the words "in place of," and the name of the person or persons whose place is to be supplied; and the statement of the result shall show which persons are elected to fill vacancies, and in whose place.

Sec. IV. And be it enacted, That the said city council shall, at their annual meeting as aforesaid, in each and every year, elect from among themselves a presiding officer, to be entitled "the president of the city council," who shall hold his office for one year, and until his successor shall be appointed.

Sec. V. And be it enacted, That at every annual election to be hereafter held in said city, as aforesaid, there shall be elected a marshal, to be voted for and elected at large, for the term of one year, in the same manner, and the statement of the result of such election to be made out and laid before the city council, in the same manner in every particular, as is provided for the election of the mayor of said city, in the act to which this is a supplement.

Sec. VI. And be it enacted, That in all elections hereafter to be held in said city, for state, county, city and ward officers, members of the house of representatives of the United States, and the electors of the president and vice-president of the United States, the polls of such election shall be closed at eight o'clock in the evening.

Commissioners of  
deeds.

Sec. VII. And be it enacted, That each ward of said city shall be entitled to three commissioners to take the acknowledgement and proof of deeds, to be appointed in the same manner and for the same term, and to perform the same duties, to be entitled to the same compensation, and to be subject to the like penalties and restrictions, as if each ward of said city was constituted a separate township of the county of Camden.

Repeal of all con-  
flicting enact-  
ments.

Sec. VIII. And be it enacted, That all parts of the act entitled, "an act to incorporate the city of Camden," approved March 5th, 1850, as may conflict with this act, be and the same are hereby repealed.

Sec. IX. And be it enacted, That this act shall take effect on the 10th day of March next.

### A FURTHER SUPPLEMENT

To the act entitled "An act to incorporate the city of Camden."  
Approved March 5th, 1850. Approved March 17, 1852.

School trustees to  
determine  
amount of tax  
for school pur-  
poses.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey. That the board of trustees of common schools, shall determine the amount of tax to be raised each year in said city for school purposes, and shall order and direct the assessors of the said city, to assess and raise such sum or sums of money, not exceeding in any one year, two mills in the dollar, as they shall think necessary and expedient to support and maintain public schools, and erecting school houses in the said city; which tax, when raised and collected, shall be immediately paid over to the treasurer of said trustees for the time being, and his receipt, and it alone, shall be a discharge for the same to the officer collecting or receiving the said tax, and if any collector, constable, or other officer, whose duty it shall be to collect such tax, shall neglect to pay the same, or any part thereof, to the treasurer of the said board of trustees of common schools of said city, within one month from the time of collecting or receiving the same, the official bond of such officer may be prosecuted on account of such tax, by the said trustees to their use, in the name of the city of Camden; provided, that no assessor or collector shall be allowed any fee for assessing, levying or collecting any tax which shall be assessed, levied and collected, under and by virtue of this supplement.

Sec. II. And be it enacted, That the city council of Camden, when assembled, shall have the sole and exclusive right and power to grant by a majority of votes, licenses to persons to keep inns and taverns for the accommodation of men, and provender for horses, within the said city, subject to the same restrictions and provisions, and in like manner in every particular, as the same is or may be lawfully done by the inferior courts of common pleas of this state.

Sec. III. And be it enacted, That at the annual elections to be holden on the second Tuesday of March in each year hereafter, in the several wards of said city, there shall be elected, by ballot, annually in each ward, from among the voters, resident therein, two inspectors of elections, who shall, with the judge of elections in each ward, respectively constitute the board of elections in such ward, and shall hold all elections in the wards in which they are respectively elected; and the said inspectors of elections shall take the like oaths and affirmations, possess the same powers, and perform the same duties in the conducting of elections as the assessors and collectors of the several townships of this state, and shall be entitled to receive the same fees for their services therein; and any vacancy in the office of any such inspector, shall be filled in the same manner as vacancies in the office of judge of elections are filled; provided, that in the election of said inspectors of elections no ballot shall contain the name of more than one person to be voted for as an inspector of elections; and in case any ballot voted shall contain the names of more than one person voted for said office, both names shall be rejected.

Sec. IV. And be it enacted, That so much of the said act to which this is a supplement, and of all other acts, as are repugnant hereto, be, and the same are hereby repealed; and this act shall take effect immediately.

## A FURTHER SUPPLEMENT

To the act entitled "An act to incorporate the city of Camden."  
Approved March 5, 1850. Approved March 10, 1853.

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the board of trustees of public schools, in said city, are hereby authorized to

School trustees authorized to purchase ground for school purposes.

purchase, and hold, in their name as such trustees, suitable lots of ground in the said city, and erect thereon such buildings and improvements as shall be required for the use and proper management of said schools, and to sell, pledge, mortgage, or otherwise dispose of said lots as they shall deem best for the interests of said schools.

Trustees may borrow money.

Sec. II. And be it enacted, That for the purposes mentioned in the foregoing section, the said board of trustees shall have power, from time to time, to raise by loan, such sum or sums of money as they may require, and may make provision for the payment of such loans, and the interest thereon, by appropriating therefor a portion of the school moneys that come into their hands; provided, nevertheless, that the amount of such loans shall not, at any one time, exceed the sum of ten thousand dollars.

School poll tax.

Sec. III. And be it enacted, That every male inhabitant of said city liable to taxation, shall pay an annual poll tax of one dollar for public school purposes, in addition to the sum ordered to be raised by the said board of trustees for the same; which said poll tax shall be assessed, collected, and paid over in like manner as the other school taxes in said city.

Regulation of buildings and party walls.

Sec. IV. And be it enacted, That it may be lawful for the city council of the said city, by ordinance, to prescribe the character and stability of all buildings to be hereafter erected within the bounds of the said city, to direct the depth of foundation, thickness and material used in the construction of the walls thereof, and regulate all such other matters as shall be deemed necessary to be observed in the construction of buildings, to protect and insure the health and safety of the citizens; provided, that no party wall shall be less than nine inches in thickness.

Punishment for violation of buildings regulations.

Sec. V. And be it enacted, That it shall be lawful for the said city council to provide, by ordinance, for the punishment, by fine, of the builders, contractors and owners, or any of them, of any building or buildings erected contrary to the provisions of such ordinances as shall be adopted under the preceding section, and to compel the alteration or removal of such building or buildings.

Building inspectors appointed.

Sec. VI. And be it enacted, That the said city council shall have power to appoint such officer or officers as they shall deem necessary, to inspect all buildings hereafter to be erected in said city, and provide for his or their com-

pensation; the said officers shall hold their offices for one year, shall report all violations of any ordinance, regulating the erection of buildings, to the city council, as soon as can be done, and shall have authority, at all reasonable times, to enter any building in progress of construction or erection, for the purpose of inspecting the same.

Sec. VII. And be it enacted, That the entire control and management of the cemetery, formerly managed by the township of Camden, situate between the Haddonfield and Mount Ephraim roads, near the junction thereof, and adjoining the Friends' burying ground, in Newton, be, and the same is hereby given to the city council of the said city of Camden, and the said city council is hereby authorized and required to make such ordinances, and appoint such officers as may be necessary for the proper management of said cemetery, and all matters thereunto appertaining.

City council to have control of Camden cemetery.

Sec. VIII. And be it enacted, That this act shall take effect immediately.

### A FURTHER SUPPLEMENT

To the act entitled "An act to incorporate the city of Camden," approved March 5, 1850. Approved February 29, 1856.

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the city council of the city of Camden, to appoint annually one or more special constables, as collector or collectors of arrears of taxes, not exceeding one in each ward, to whom respectively the justice of the peace having the list of delinquent taxpayers of the respective wards, according to the direction and appointment of the city council, shall direct the warrant or warrants required by the eighteenth section of the act concerning taxes, who, before they enter upon the duties of the said appointment, shall respectively enter into bond to the city of Camden, in such sum and with such sureties as the said city council shall require, for the faithful performance of all the duties of such appointment; and who shall respectively have all the powers and be required to perform all the duties of a constable in respect to such warrants, and of the collection of the arrears of taxes in the same mentioned, and under like penalties as are or

Collection of arrears of taxes.

may be required and prescribed in respect to constables to whom such warrants may be directed and delivered.

Alias or pluries  
tax warrants  
may be issued.

Sec. II. And be it enacted, That an alias or pluries tax warrant may be issued each year, upon the production of the former warrant, to collect the arrears of taxes uncollected by the neglect or default of the officer to whom such former warrant may have been delivered, against the delinquent taxpayers named therein, or in the schedule thereto annexed, and so from time to time, at any time within five years from the time when any tax may have become due and payable, until the same shall be collected, which alias and pluries tax warrants shall be directed to the constable or special constable of the wards of the said city, respectively, as may be appointed or directed by the city council, who shall be authorized and required to execute the same, in the same manner as in the case of the original tax warrant.

Liens for taxes  
on real estate.

Sec. III. And be it enacted, That the lien of taxes assessed upon real estate in said city, as provided for in the twenty-eighth section of the act to which this is a supplement, shall be and remain a lien, for which taxes and the interest which may accrue thereon, and all costs and fees for the collection thereof, for the space of five years from the time when the taxes so as aforesaid assessed shall become due and payable.

Mistake in name  
not to invalidate  
proceedings.

Sec. IV. And be it enacted, That in case of the sale of any lot or lots of land by the city council, under and by virtue of the thirty-third section of the act of which this is a supplement, to satisfy the costs and expenses of doing the work made a lien by said section, any mistake in the name or names of the owner or owners of such lot or lots, or omission to name the real owner thereof, shall not invalidate any proceedings under said section, or the sale of any real estate by virtue thereof.

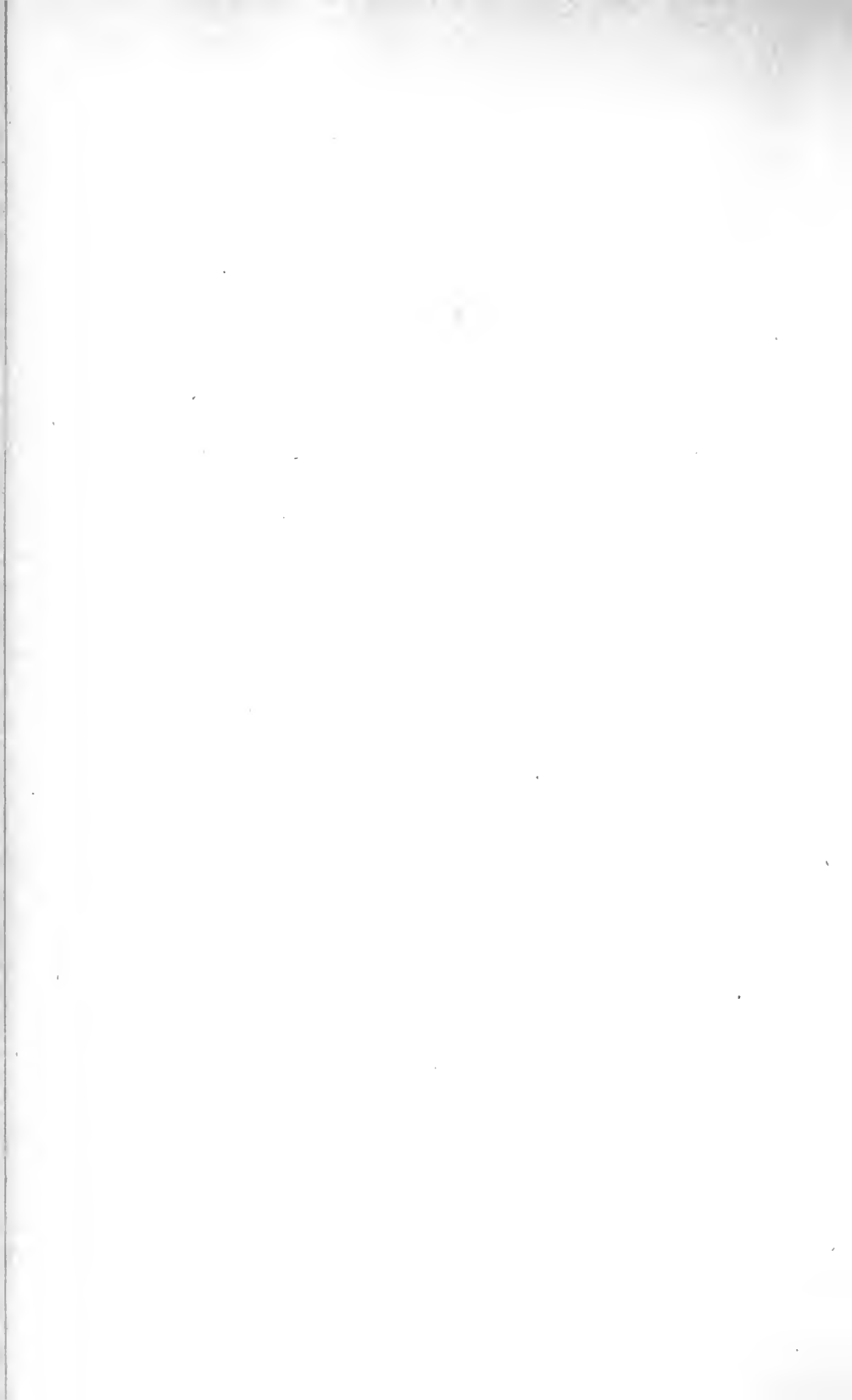
The court of gen-  
eral quarter ses-  
sions abolished.

Proviso.

Sec. V. And be it enacted, That the court of general quarter sessions of the peace in and for the city of Camden, be and the same is hereby abolished; provided, however, that no indictment, recognizance or proceeding pending in said court shall be avoided or discontinued, but the same shall be and hereby are transferred to the court of general quarter sessions of the peace in and for the county of Camden, which court shall have jurisdiction thereof as if originally found or taken in said court.

Sec. VI. And be it enacted, That in case of a vacancy or vacancies occurring, by resignation or otherwise, among the members of the city council, it shall be the duty of the mayor to call an election in the ward where the vacancy or vacancies are, giving at least twelve days notice preceding the day of election, in some paper published in Camden, the election to be held in the same place, by the same officers, in all things in accordance to the law regulating the general elections. <sup>Vacancies, how supplied.</sup>

Sec. VII. And be it enacted, That the forty-third and forty-fourth section of the act to which this is a supplement, and the second section of the act entitled a further supplement to an act entitled an act to incorporate the city of Camden, approved March 17th, 1852, and all other parts of the said acts, or of the several supplements thereto, as may conflict with this act, be, and they are hereby repealed, and this act shall go into effect on the first day of March next, eighteen hundred and fifty-six. <sup>Part of former act repealed.</sup>





## CHARTER.

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### AN ACT TO REVISE AND AMEND THE CHARTER OF THE CITY OF CAMDEN.

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#### TITLE I.

#### OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

1. Be it enacted, by the Senate and General Assembly of the State of New Jersey, That all that part of the county of Camden, lying and contained within the following bounds, that is to say: Beginning at a point in the river Delaware, as far westerly as the jurisdiction of the state of New Jersey extends, opposite to the mouth of a stream of water called Newton creek, and running thence easterly to the mouth of said Newton creek, and thence up the centre of said creek, the several courses thereof, to the north branch of said Newton creek; thence following the centre of said north branch of said Newton creek, its several courses thereof, to the middle of the Mount Ephraim turnpike road; thence in a northwesterly course along the middle of said Mount Ephraim turnpike road to the intersection of said Mount Ephraim turnpike road and the Stockton and Newton turnpike road, also known as Kaighn's Point and Ferry road; thence along the middle of the said Stockton and Newton turnpike road, in a northeasterly direction, to the middle of the White Horse turnpike road, thence northeasterly along the middle of the said Stockton and Newton turnpike road to the middle of the Haddonfield turnpike road; thence, in a northeasterly direction in a straight line with the middle line of the said Stockton and Newton turnpike road to the middle of Cooper's creek; thence down the middle of said creek

Boundaries of  
the City of Cam-  
den.

in a northwesterly direction along the several courses thereof to the river Delaware; thence due north to the middle of the channel between Petty's Island and the Jersey fast land or shore; thence due west to a point as far west as the jurisdiction of the state of New Jersey extends; thence down the Delaware river on a line as far westerly as the jurisdiction of the state of New Jersey extends to the place of beginning;<sup>1</sup> and all the citizens of this state residing within the limits aforesaid, be, and they are hereby ordained, constituted and declared to be one body corporate, and politic in fact, and in name, by the name of "the city of Camden," and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued,<sup>2</sup> pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and shall have a common seal and alter the same at their pleasure; and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said corporation;<sup>3</sup> and that the said city of Camden and their successors, shall by virtue of this act become and be absolutely and completely vested with, possess and enjoy, all the estate and property whatsoever, both real and personal, which, at the time of the passing of this act, are vested in or belong to the said city of Cam-

<sup>1</sup> The town of Stockton was annexed to the city of Camden by act approved March 24, 1899. P. L. 1899, page 355.

<sup>2</sup> Fifteen days must intervene between the day of service and the return day of a summons in an action against a municipal corporation. *McNeal vs. Gloucester City*, 51 N. J. Law, 444.

A municipal corporation is not liable to an individual for neglecting to perform a public duty.

*Freeholders of Sussex vs. Strader*, 18 N. J. Law, 108; *Quinn vs. City of Paterson*, 27 N. J. Law, 35; *Pray vs. Jersey City*, 32 N. J. Law, 394; *Durkes vs. Town of Union*, 38 N. J. Law, 21; *Condict vs. Jersey City*, 46 N. J. Law, 157; *Carter vs. Mayor and Council of Rahway*, 55 N. J. Law, 177.

To support an action against a

municipality there must be some positive act wrongful in itself and detrimental to the plaintiff. *Durkes vs. Town of Union*, *Supra*.

A judgment against a city must ordinarily be satisfied by taxation. *Lyons vs. Elizabeth*, 43 N. J. Law, 159.

The court will compel the levy of the tax by mandamus. *Munday vs. Rahway*, 43 N. J. Law, 339.

<sup>3</sup> The misnomer of a corporation in a grant or obligation does not defeat the grant or obligation, nor prevent a recovery upon it in the true name; provided, the corporation designed and intended by the parties to the instrument be shown by proper and apt averment and proof. *The Inhabitants of the Township of Upper Alloway's Creek vs. String*, 10 N. J. Law, 323.

den, as now incorporated by the same name, viz.: "the city of Camden," according to such estate and interest as the said "the city of Camden," at the time of the passage of this act has, or of right, ought to have, in the same.

2. And be it enacted, That the city shall be divided into eight wards,<sup>1</sup> the boundaries of which shall be as follows:<sup>2</sup>

I. All that part of the city bounded as follows: Beginning at the point of intersection of the middle lines of Fourth and Plum streets, in the said city; thence westward along the middle line of Plum street, and continuing the same to the westward limits of said city; thence northward along the said westward limit, and eastward along the northern limit to the middle line of Fourth street (extended); thence along said middle line of Fourth street, southward to the place of beginning, shall constitute the First ward of said city. Boundaries of the First ward.

II. All that part of said city enclosed within the following described lines of boundary, to wit: Beginning at the point of intersection of the middle lines of Fourth and Plum streets, in said city, thence eastward along the middle line of Plum street to the middle line of Federal street; thence still eastward along the middle line of Federal street to the eastern boundary of said city in Cooper's creek; thence northward and westward along the northeastern boundary of said city to the middle line of Fourth street (extended); thence along said middle line of Fourth street, southward to the place of beginning, shall be the Second ward of said city.<sup>3</sup> Boundaries of the Second ward.

III. All that part of said city enclosed within the following described lines of boundary, to wit: Beginning at Boundaries of the Third ward.

<sup>1</sup> By an ordinance passed by council of the city of Camden on November 22, 1888, the Ninth ward of the city of Camden was established, being set off from the Fourth ward. By an ordinance passed by the council of the city of Camden on June 28, 1900, the boundaries of the Ninth ward of the city of Camden were changed.

By an ordinance passed by the council of the city of Camden on the 20th day of April, 1899, the town of Stockton, annexed to the city of Camden by

an act of March 24, 1899, was divided into the Eleventh and Twelfth wards of the city of Camden.

<sup>2</sup> Under the act of March 14, 1897, P. L. 1895, page 311, ward lines in cities can be changed only by ordinance. *McCulley vs. Elizabeth*, 66 N. J. Law, 555.

<sup>3</sup> By an ordinance passed by the council of the city of Camden on February 1, 1899, a portion of the Second ward was set off as the Tenth ward of the city of Camden.

the point of intersection of the middle line of Fourth and Plum streets, in said city; thence along said middle line of Fourth street, southward to the middle line of Line street; thence westward along the middle line of Line street, and in continuation thereof to the westward boundary of the said city in the river Delaware; thence up the said river along said western boundary to the extended middle line of Plum street; thence along said line eastward to the place of beginning, shall be the Third ward of said city.

Boundaries of  
the Fourth ward.

IV. All that part of said city enclosed within the following described lines of boundary, to wit: Beginning at the point of intersection of the middle lines of Fourth and Plum streets, in said city; thence along said middle line of Fourth street southward to the middle line of Line street; thence along the middle line of Line street eastward to the middle line of Broadway; thence southward along the middle line of Broadway about twenty feet to the middle line of Franklin street; thence along the middle line of Franklin street eastward to the middle line of Newton avenue; thence along the middle line of Newton avenue northeastwardly to the middle line of Federal street; thence along the middle line of Federal street westwardly to the middle line of Plum street; thence along the middle line of Plum street still westward to the place of beginning, shall be the Fourth ward of said city.<sup>1</sup>

Boundaries of  
the Fifth ward.

V. All that part of said city enclosed within the following described lines of boundary, to wit: Beginning at the point where the middle line of Fourth street (as said Fourth street is laid and opened southward from Line street) meets the middle line of Line street; thence southward along the middle line of Fourth street to the middle of Little Newton creek; thence westward along the middle of said creek to the southwesterly side of the Stockton and Newton turnpike road; thence westerly along the middle of said creek to the mouth of the same, thence westerly along the southern boundary of said city to the western boundary of said city in the river Delaware; thence up said river northward to a point in the extended middle line of Line street; thence eastward along the said

<sup>1</sup> By an ordinance passed by the council of the city of Camden on November 28, 1888, a portion of the Fourth ward

was set off as the Ninth ward of the city of Camden.

middle line of Line street, to the place of beginning, shall be the Fifth ward of said city.

VI. All that part of said city enclosed within the following described lines of boundary, to wit: Beginning at the point where the middle line of Fourth street (as said Fourth street is laid and opened southward from Line street) meets the middle line of Line street; thence eastward along the middle line of Line street to the middle line of Broadway; thence southward along the middle line of Broadway about twenty feet, to the middle line of Franklin street; thence eastward along the middle line of Franklin street to the middle line of Newton avenue; thence along the middle line of Newton avenue southwardly to the middle line of Broadway; thence along the middle line of Broadway southwardly to the middle of Little Newton creek; thence along the middle of said creek westwardly to the middle line of Fourth street aforesaid; thence along the middle line of Fourth street northward to the place of beginning, shall be the Sixth ward of said city. <sup>Boundaries of the Sixth ward.</sup>

VII. All that part of said city enclosed within the following described lines of boundary, to wit: Beginning at the point where the middle line of Kaighn's Point avenue intersects the middle line of Broadway, and extending in an easterly direction along the middle of Kaighn's Point avenue to the middle of the Haddonfield turnpike road; thence in an easterly direction on a straight line with the middle of said Kaighn's Point avenue to the middle of Cooper's creek; thence in a northwesterly direction along the middle of said creek and the several courses thereof to the middle line of Federal street; thence westerly along the middle line of Federal street to the middle line of Newton avenue; thence along the middle of said Newton avenue in a southwesterly direction to the middle line of Broadway; thence in a southerly direction along the middle line of Broadway to the place of beginning, shall be the Seventh ward of said city..<sup>1</sup> <sup>Boundaries of the Seventh ward.</sup>

VIII. All that part of the said city enclosed within the following described lines of boundary, to wit: Beginning at a point where the middle line of Kaighn's Point avenue <sup>Boundaries of the Eighth ward.</sup>

<sup>1</sup> By an ordinance passed by the council of the city of Camden on June 28, 1900, the boundaries of the Seventh were changed.

intersects the middle line of Broadway; thence southerly along the middle line of Broadway to the middle of Little Newton creek; thence westerly along the middle of said creek to the river Delaware as far westerly as the jurisdiction of the state of New Jersey extends; thence southerly along the boundary of the state of New Jersey in said Delaware river to a point in said Delaware river opposite the mouth of a stream of water called Newton creek, and running thence, easterly to the mouth of said creek, being the southern boundary of said city; thence easterly along the southern boundary of said city to the middle of Cooper's creek; thence down the middle of said creek in a northwesterly direction, along the several courses thereof, to a point where the extended middle line of said Kaighn's Point avenue intersects the middle of said creek; thence westerly along said line (being the southerly line of Seventh ward) to a point where the middle line of Kaighn's Point avenue intersects the middle line of the Haddonfield turnpike road; thence westerly along the middle line of Kaighn's Point avenue to the place of beginning, shall be the Eighth ward of said city.<sup>1</sup>

The line of the streets herein referred to being the same lines as the same now are.

## TITLE II.

### ELECTION, APPOINTMENT, AND RENEWAL OF CITY AND WARD OFFICERS.

Officers of the city.

3. And be it enacted, That there shall be in and for the said city, one mayor,<sup>2</sup> one treasurer,<sup>3</sup> one city solicitor, who shall have been admitted to practice as an attorney and counsellor at law in the supreme court of the State of New Jersey, one city surveyor, one receiver of taxes, one recorder, twenty-four councilmen<sup>4</sup> and eight aldermen, all

<sup>1</sup> By an ordinance passed by the council of the city of Camden on June 28, 1900, the boundaries of the Eighth ward of the city of Camden were changed.

<sup>2</sup> Under act of February 28, 1901, P.L. 1901, page 41, section 2, the mayor's term begins on the first day of January at 12 o'clock noon. Any vacancy in a city office, which a mayor is authorized to fill, occurring prior to that time, may

be filled by the out-going mayor. *Bakley vs. Nowrey*, 68 N. J. Law, page 95.

<sup>3</sup> The city treasurer is the officer whose duty it is to collect assessments and re-adjusted taxes, assessments and water rents, under the Martin act. *Bowyer vs. Camden*, 50 N. J. Law, 87.

<sup>4</sup> Now two councilmen from each ward. Gen. Stat., page 580, sections 604-608.

of whom shall be citizens and residents of said city, and who shall hold their offices respectively for the term of three years, except as hereinafter provided.<sup>1</sup>

4. And be it enacted, That an election by ballot shall be held annually on the second Tuesday of March<sup>2</sup> in each of the wards of said city, at such place as the city council of the city of Camden shall appoint. between the hours designated by or pursuant to law for holding the election for members of the senate and general assembly of this state, of which time and place the city clerk shall cause public notice, either printed or written, to be set up in five public places in each ward of said city, and to be published in two or more of the newspapers printed therein, at least one week previous to the day of such election.

Election to be held. City Clerk to give notice.

5. And be it enacted, That at the first election to be held after the passage of, and pursuant to this act, on the second Tuesday of March next, and every third year thereafter, there shall be elected by ballot in and for said city, one mayor, one receiver of taxes, eight aldermen, one from each ward, and one recorder, who shall hold their offices respectively for the term of three years, and until others are chosen and qualified in their stead; and at said election to be held on the said second Tuesday of March next, there shall be elected in and for each of the Seventh and Eighth wards of said city, from among the citizens residing therein and entitled to vote at such election, three councilmen in each ward, one for one year, one for two years, and one for three years; and at the election at the time aforesaid, there shall be elected in and for each of the First, Second, Third, Fourth, Fifth and Sixth wards in said city, from among the citizens residing therein and entitled to vote at such election, one councilman, who shall hold his office for the term of three years, and every year thereafter there shall be elected in and for each of the wards of said city, from among the citizens residing therein and entitled to vote at such election, one councilman, who shall hold his office

Officers to be elected at first and subsequent elections under this act.

<sup>1</sup> The provisions of a city charter as to duration of terms of officers must be strictly observed, and an ordinance beyond the scope of the powers granted by the Charter is void. *Trowbridge vs. City of Newark*, 46 N. J. Laws, 140.

<sup>2</sup> Now first Tuesday after first Monday in November in each year, under the provisions of P. L. 1901, page 41, and under the General Election law, P. L. 1898, page 237.

for the term of three years; and that the members of the present city council of said city of Camden, elected from the citizens of the First ward, Second ward, Third ward, Fourth ward, Fifth ward and Sixth ward as herein described, shall be and continue as members of the city council for the said wards, respectively for the term for which they were severally elected. And at the election at the time aforesaid, and every year thereafter, there shall be elected in and for each of the wards of said city, from among the citizens residing therein and entitled to vote at such election, one assessor,<sup>1</sup> one ward clerk, one reputable freeholder, (commonly called chosen freeholder,)<sup>2</sup> three judicious freeholders of good character, to hear and finally determine all appeals relative to unjust assessments in case of taxation in such wards,<sup>3</sup> one constable,<sup>4</sup> and one overseer of the poor,<sup>5</sup> and such officers, judges or inspectors of registry and of election as are or may be by law provided for or required, or as in the absence of legal provision may be provided for by ordinance of the city council, all of which said ward officers shall hold their offices respectively for the term of one year, and until others shall be chosen and legally qualified in their stead, and the city solicitor and the city surveyor shall be appointed by the city council, by a majority vote, at their annual meeting, next after their respective offices shall from time to time become vacant.

Board of Education.

6. And be it enacted, That the board of education of the city of Camden shall consist of two trustees in and for

<sup>1</sup> The members of the board of city assessors are now superseded by five commissioners of assessment, appointed by the mayor under Gen. Stat., page 3426, section 650 et seq.

<sup>2</sup> The chosen freeholders are now elected under Gen. Stat., page 427, Section 108 et seq.

<sup>3</sup> There were three commissioners of appeal in case of taxation for the entire city, appointed by the mayor under "An ordinance providing for the appointment of commissioners of appeal in case of taxation in the city of Camden," approved April 28, 1892, which ordinance was passed by virtue of "An

act concerning the appointment of officers in cities of second class in this State." Gen. Stat., p. 501, section 206, et seq. The term of such commissions was three years (see ordinance of April 28, 1892). But the new act of 1906, P. L. 1906, page 210, provided for a county board, which now hears all appeals.

<sup>4</sup> Constables are now elected for the term of three years. P. L. 189, page 429, Section 2.

<sup>5</sup> Now one overseer of the poor for the entire city is appointed by city council under act of March 23, 1900. P. L. 1900, page 415.



each of the wards of said city, and that at the first ward election held after the passage of and pursuant to this act, one trustee of said board shall be elected by ballot for each of the first, second, third, fourth, fifth and sixth wards of said city, who shall hold his office for the term of two years, and two trustees for each of the seventh and eighth wards, one for the term of one year, and the other for the term of two years, and at every subsequent annual ward election afterwards held in said city, there shall be one person elected in each of said wards as such trustee, who shall hold his office for the term of two years, and in case a vacancy shall occur in the office of any such trustee so elected, it shall be filled at the next annual ward election after such vacancy shall occur, for the unexpired term; and the trustees so elected shall constitute the board of education of the city of Camden, and shall individually and collectively have and possess the qualities and powers, perform the duties, and be subject to the liabilities now by law given to or imposed upon said board and the members thereof; provided, that the present members of the said board of education of said city shall be and continue members of said board for the terms for which they were severally elected.<sup>1</sup>

7. And be it enacted, That the aldermen of said city shall hold their offices respectively for the term of three years, and be elected at the annual elections to be held in said city as often and whenever their offices shall expire or vacancies shall occur, and whenever a vacancy shall occur in the office of any of the said aldermen who may be hereafter elected in any of the said wards, the vacancy or vacancies, as the case may be, shall be filled at the next annual ward election to be held in any such ward after such vacancy or vacancies shall occur.

8. And be it enacted, That in case of the absence, death or refusal to serve, or other incapacity of either of the said officers, judges, or inspectors of registry of election, or of the ward or district clerk, at the holding of the elections aforesaid, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such

Term of office of aldermen.

Vacancies in election board, how to be filled. Duties of ward clerk.

<sup>1</sup> This section is superseded by the act of October 19, 1903, passed at a special session of the legislature, convened October 15, 1903, P. L. 1903, second

special session, page 5, the provisions of which act were accepted at an election held in the city of Camden on the eighth day of November, 1904.

vacancy or vacancies at an election for state and county officers: that the ward or district clerk shall at each of the polls in addition to the duties now prescribed by law, write the name of each elector in a poll list to be kept at such election by him; the officers of election shall take the same oaths, be entitled to the like compensation and the said election in all things be conducted, continued and concluded, as nearly as may be, according to the same rules and regulations, and under the same restrictions and penalties as are or may be prescribed by the laws regulating the elections of members of the Senate and General Assembly of this State.<sup>1</sup>

Persons entitled  
to vote.

9. And be it enacted, That every person who is entitled by the laws of this state to vote at an election for members of the legislature of this state, in either of the wards of said city, shall be entitled to vote at any election under this charter, in the ward in which he is so entitled to vote for members of the legislature, but not elsewhere, for all or any of the officers to be chosen at such election.

Returns of elec-  
tion, how to be  
made.  
Board of canvass-  
ers. City Clerk to  
notify persons of  
their election.

10. And be it enacted, That immediately after closing the polls at every city election, the judges of election, or persons authorized to perform the duties of such judges in each ward, shall count the votes given for the several candidates and make a certificate thereof under their hands, and on the second day after said election, shall deliver the same to the city clerk: the said judges or persons shall constitute a board of canvassers of said election, and shall meet at the city clerk's office at two o'clock in the afternoon of said day, and a majority of them being present, shall proceed to make a statement of the result of said election, as shown by said certificates, which shall be signed by said board, or a major part of them, and attested by the city clerk, who shall be the clerk of said board, and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for respectively; and the city clerk shall file the original certificates from the wards in his office, and lay the statement made by the board of canvassers before the city council at their first meeting thereafter, and the same shall be by them filed in said

This section is superseded by the  
general election law (P. L. 1898, page

257) and the act of February 28, 1901,  
P. L. 1901, page 41.

clerk's office; and the said clerk shall immediately send a notice of his election to each of the persons so elected; and if at any election for officers authorized by this act, any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such office shall be deemed to be vacant, and shall be filled as hereinafter provided.<sup>1</sup>

11. And be it enacted, That no person shall be eligible Persons eligible to office. to any office at any such election, unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any ward unless he shall be an elector and resident of such ward; and when any officer elected at any such election under this act shall cease to reside in said city, or if elected for any ward shall cease to reside in such ward, his office shall thereby become vacant.<sup>2</sup>

12. And be it enacted, That the term of office of the chosen freeholders<sup>3</sup> and justices of the peace of the several wards of said city, shall commence and expire at the time or times provided by law; and the term of office of all other officers elected at the annual city election as herein provided, shall commence on the Friday succeeding the day of election each year.<sup>4</sup> Term of office, when commence.

13. And be it enacted, That, if at any annual election in said city there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for said office, shall be designated on the ballot; and if any person who shall be elected to any office at the annual city election shall not qualify, according to law, for the space of thirty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices, Officers and their qualifications.

<sup>1</sup> This section is superseded by the general election law (P. L. 1898, page 237), and act of February 28, 1901. (P. L. 1901, page 41).

<sup>2</sup> The office of a councilman becomes vacant and the right to make an appointment in his stead arises, when he ceases to have such a residence in his ward as will entitle him to be an elector. *State vs. Camden*, 39 N. J. Law, 57.

<sup>3</sup> The term of chosen freeholders now begins on the second Wednesday of May next following their election, under Gen. Stat., p. 426, section 109.

<sup>4</sup> The term of office of officers elected at a city election now commences on the first day of January, under act of February 28, 1901. P. L. 1901, page 41.

shall not qualify, according to law, for the space of thirty days after such election or appointment, his office shall be deemed vacant.

Filling vacancies  
in office, except  
justices.

14. And be it enacted, That in case of death, resignation,<sup>1</sup> disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward, of any of the officers thereof elected under this act, or any vacancy in any office except justices of the peace, it shall be lawful for the city council to appoint others in their stead until the next city election, or, in case of appointed officers, until the regular period for appointment, who shall during the said term perform the like services, be entitled to the same fees and be subject to the same responsibilities, as though elected at the annual election or appointed at the regular time;<sup>2</sup> provided, that all resignations shall be sent to the mayor, and he shall report the same to the city council at its next meeting thereafter.

Proviso.

Providing for  
holding elections  
under this act.

15. And be it enacted, That all elections hereafter to be held in the said city for officers of the county of Camden, and for members of congress and electors of president and vice-president of the United States, or for any officer or officers of the state or general government shall, unless otherwise provided for by law, be held in the several wards of said city, at the places therein appointed by the city council, and on the day or days which now are or hereafter may be by law designated for holding such elections, the polls shall be opened and closed at the hours prescribed by the laws of this state, and the judges, inspectors of registry, or other officers of election, elected or appointed, as aforesaid for the several wards, shall preside at and conduct all such elections; and the city clerks of said wards shall be clerks of such election in their respective wards; every person in said city entitled to vote at such election, shall vote in the ward wherein he is by law so entitled at the time of such election, and not elsewhere;

<sup>1</sup> The resignation of a public officer to take effect at a future day named, when accepted by competent authority, is valid and binding, and will take effect according to its terms. The power of appointment to office when executed by the performances of the last act made necessary in its execution is not revocable without the consent of the ap-

pointee. *Whitney vs. Van Buskirk*, 40 N. J. Law, 463.

<sup>2</sup> The office of a councilman becomes vacant, and the right to make an appointment in his stead arises, when he ceases to have such a residence in his ward as will entitle him to be an elector. *State vs. Camden*, 39 N. J. Law, 57.

and such election shall be conducted according to the laws of this state regulating elections; and that the first election to be held in pursuance of this act for the election of city and ward officers, shall be held at such places as shall be designated by the present city council of the city of Camden, and that the officers of election elected or appointed for the second election district or precinct of the North ward, shall be the officers of election for the First ward of said city, and that the officers of election elected or appointed for the first election district or precinct of North ward shall be the officers of election for the Second ward of said city; and that all the officers of election elected or appointed for the second election district or precinct of Middle ward shall be the officers of election for the Third ward of said city; and that the officers of election elected or appointed for the first election district or precinct of Middle ward shall be the officers of election for the Fourth ward of said city; and that the officers of election elected or appointed for the second election district or precinct of South ward shall be the officers of election for the Fifth ward of said city; and that the officers of election elected or appointed for the first precinct of South ward shall be the election officers of the Sixth ward of said city; provided, that none Proviso. of such officers shall become disqualified from acting as such officers of election; and that the present city council of the city of Camden shall appoint the officers of election for the Seventh and Eighth wards of said city, for such election, and shall provide ballot or election boxes for said wards.<sup>1</sup>

16. And be it enacted, That the said judges and inspectors, or other officers of election shall take the same oaths and conduct such elections and make returns thereof, except as hereintofore provided in reference to the annual city election, in the same manner as township officers of election are or may be by law required to do, and shall be vested with the same power and authority, entitled to the same compensation and perform the same duties and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency or refusal to serve of any of the said

Election officers to take affirmation, fill vacancies. Ward clerks to procure ballot boxes.

<sup>1</sup> This section is superseded by the general election law (P. L. 1898, page 237), and act of February 28, 1901. (P. L. 1901, page 41.)

officers of election at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state, and the clerks of the said wards respectively, shall procure election boxes for the use of their wards in such manner and of such description as are required to be procured by the township clerks of this state; and be subject to the same penalties as township clerks are subject for neglecting to procure such boxes and keeping them in repair.<sup>1</sup>

City clerk, how elected. Council to appoint such officers as they see fit. Appointment of police officers.

17. And be it enacted, That the city council shall appoint some fit person at their annual meeting each year to be clerk of said city, who shall hold his office for the term of one year, and until his successor shall be appointed,<sup>2</sup> and the said clerk so appointed shall be ex-officio clerk of city council, and in case a vacancy shall occur in said office at any time, the city council shall have power to fill the same for the unexpired term, also that the said city council shall have power when assembled from time to time, to elect and appoint and prescribe the duties of, and under such regulations, conditions, restrictions as they shall think proper, such other, and all other subordinate officers of the said city; as well such as are in this act named, and whose appointments or election are provided for, as those who are not named herein and who may, in the opinion of the city council be necessary for the better ordering and governing the said city, for the preservation of its health, or for the convenience, safety and advantage of commerce and trade;<sup>3</sup> provided, nothing herein contained shall be construed to prevent the city council from conferring the power on the mayor, conjointly with the police committee of city council, to appoint the police officers and watchmen of the city;<sup>4</sup> and provided also, that the city council shall not appoint any person to fill any office provided for in this act, the compensation for which is paid out of the treasury of the city from among themselves.

Proviso.

Proviso.

<sup>1</sup> This section is superseded by the general election law (P. L. 1898, page 237), and act of February 28, 1901. (P. L. 1901, page 41.)

<sup>2</sup> The term of the city clerk is now three years, under act of March 23, 1900. P. L. 1900, page 415.

<sup>3</sup> This section gives council the right

to establish the offices of "transcribing clerk in the office of the collector of delinquent claims," and to prescribe the duties of such office. *Anderson vs. Camden*, 58 N. J. Law, 515.

<sup>4</sup> As to Police Department, see revised ordinances of the city of Camden, sections 126 to 132.

18. And be it enacted, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the city council, shall before he enters upon the duties of such office, take and subscribe before the mayor, recorder, city clerk, or one of the aldermen of said city, or a justice of the peace, who are hereby authorized to administer the same, an oath or affirmation, faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths or affirmations as may be required by the laws of this state; all such oaths or affirmations shall be filed by the city clerk in his office; the city treasurer, receiver of taxes, city solicitor and constables, elected or appointed as aforesaid, and such other officers as the city council may require, shall also, before entering upon their duties, each give bond to the city in its corporate name in such sum and with such sureties as the city council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the city council shall deem the sureties of any such officer insufficient, they shall require him to give additional security; that the bonds of the constables shall be made to conform to the form prescribed by the first section of the act entitled "an act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables' bonds of the townships of this state as near as may be, making such alterations as may be necessary to make it apply to the wards of the city of Camden,<sup>1</sup> which said bonds, after the same shall be approved by the city council, shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office, and may be sued and prosecuted in the same manner as the bonds of the like officers of this state are, or may be sued and prosecuted.

Officers to qualify. Affirmations to be taken and bonds given.

19. And be it enacted, That the same notice in matters of election that the clerk of the county of Camden is required to give the clerks of the townships, shall be given to each of the clerks of the wards of said city.

Notice of election.

20. And be it enacted, That the assessors,<sup>2</sup> ward clerks,

<sup>1</sup> For form of constable's bond, see act of March 24, 1899, P. L. 1899, page 429.

<sup>2</sup> See note 1 to section 5.

Powers and duties of assessors, ward clerks, commissioners of appeal, overseers of the poor, and constable and members of council.

the commissioners of appeal in all cases of taxation,<sup>1</sup> the constable<sup>2</sup> and overseers of the poor<sup>3</sup> of each of the wards of the said city, and the chosen freeholders<sup>4</sup> elected in the said city as aforesaid, shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officer of any township of the county of Camden, to the same extent and in the same manner in all respects as if each of the wards of said city was constituted a separate township of the said county of Camden, as far as such powers and duties should be consistent with the provisions of this act, and that the members of the city council of the said city, collectively and individually, shall, in addition to their other powers and duties, possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

21. And be it enacted, That the clerk of the ward,  
Officers to qualify. assessor, commissioners of appeal in cases of taxation, overseers of the poor, and constables hereafter elected or appointed as aforesaid in any ward of said city, shall before they enter upon the execution of their respective offices, severally take and subscribe before one of the justices of the peace, or the mayor or the recorder, or one of the aldermen of the city, an oath or affirmation in the form now or hereafter prescribed by law for the like officer or officers in any township in the county of Camden, using the word "city" instead of the word "township," and introducing or embodying into said oath or affirmation the name of the ward for which the said officer shall have been elected as aforesaid, which oath or affirmation so taken and subscribed, shall be delivered forthwith to the clerk of the city, to be by him filed and preserved in his office, and in case any of the officers aforesaid shall fail to take such oath or affirmation, within  
Refusal to qualify. the time prescribed by law for taking the same, or shall neglect to file the said oath or affirmation with the clerk of the said city, his office for which he shall have been elected, shall be deemed vacant.

<sup>1</sup> See note 3 to section 5.

<sup>2</sup> See note 4 to section 5.

<sup>3</sup> See note 5 to section 5.

<sup>4</sup> See note 2 to section 5.



22. And be it enacted, That any city or ward officer<sup>Removal of any city or ward officer.</sup> may be removed from office by resolution of the city council, for malfeasance, non feasance in office, disability or other good cause, shown upon complaints in writing to the city council, setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; provided, that no such removal shall take place<sup>Proviso.</sup> until the person sought to be removed has had an opportunity to be heard in his defense, nor unless four-fifths of all the members of the city council shall vote for such removal.<sup>1</sup>

23. And be it enacted, That each ward of said city<sup>Commissioner of deeds.</sup> shall be entitled to three commissioners<sup>2</sup> to take the acknowledgment and proof of deeds, to be appointed in the same manner and for the same term, and to perform the same duties, to be entitled to the same compensation, and to be subject to the like penalties and restrictions as if each ward of said city was constituted a separate township of the county of Camden.

### TITLE III.

#### POWERS AND DUTIES OF THE CITY COUNCIL, AND TIMES OF HOLDING MEETINGS.

24. And be it enacted, That the members of the city<sup>Annual meeting of council.</sup> council and the councilmen elected as aforesaid, shall hold an annual meeting in the said city on the Friday following the day on which the annual city election is held yearly and every year,<sup>3</sup> and such adjourned and special meetings as they shall see proper, or shall by ordinance direct and appoint, and shall meet at such place and at such times as they themselves shall agree upon, or by ordinance appoint and fix, and when met shall have power to make and adopt such rules, regulations and by-laws for

<sup>1</sup> This means the vote of four-fifths of all the membership existing in common council, although the number of members in office may have been reduced by a vacancy or vacancies below the number provided by the organic law. *Stanton vs. Hoboken*, 52 N. J. Law, 88.

<sup>2</sup> Each ward is now entitled to five commissioners of deeds, under section 26 of the "Act respecting conveyances." P. L. 1898, page 681.

<sup>3</sup> Now January 1st in each year, under P. L., 1901, page 41.

their own government and the despatch of business as they shall think proper.

Election of president of council.

25. And be it enacted, That the said city council shall, at their annual meeting as aforesaid in each and every year elect, from among themselves, a presiding officer, to be entitled "The President of the city council," who shall hold his office for one year, and until his successor shall be appointed, and in his absence may elect a president pro tempore.

Council to be the judge of its members.

26. And be it enacted, That the city council shall be the sole judge of the election returns, and qualifications of its own members, and keep a journal of its own proceedings.<sup>1</sup>

27. And be it enacted, That the City Clerk shall be the clerk of the city council; he shall keep accurate minutes of the proceedings of the city council, and shall perform such other duties as may be prescribed for him.

Clerk of council. Who shall compose a quorum of council. Call for special meeting.

28. And be it enacted, That a majority of the whole number of members of the city council shall constitute a quorum for the transaction of business,<sup>2</sup> but a smaller number may adjourn from time to time and compel the attendance of absent members; the president of the city council shall be authorized to call special meetings of the city council when the public good shall in his opinion render it necessary; and on the request of eight members of the city council, one from each ward, in writing addressed to the president, it shall be his duty,<sup>3</sup> or in his

<sup>1</sup> Under this section the action of council in seating a member after investigation is final and conclusive. *Roberts vs. Camden*, 63 N. J. Law, 186.

Having once investigated and seated a member, council cannot at a subsequent meeting order a second investigation. *Kendell vs. Camden*, 47 N. J. Law, 64. Where the seat of a member is contested the Common Council may appoint a committee to take testimony, and to report the facts found with the testimony taken. *Salmon vs. Haynes*, 50 N. J. Law, 57.

<sup>2</sup> In the absence of specific provision, when the body empowered to act consists of a definite number of individuals, a majority of that number will constitute a quorum for the transaction of business, and, when duly met, a majority of the quorum may act. *Camden vs. Farr*, 47 N. J. Law, 216; *Barnet vs. Paterson*, 48 N. J. Law, 396.

<sup>3</sup> By Gen. Stat., page 803, section 1632, the president, or in his absence, the city clerk, is required to call a special meeting of council on request, in writing, of one-fourth of the total membership of council.

absence, it shall be the duty of the city clerk to call a special meeting.

29. And be it enacted, That no ordinance shall be passed or repealed by the city council except with the concurrence of a majority of all the members of the city council,<sup>1</sup> and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read three times before its final passage,<sup>2</sup> and no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced; except by a vote of two-thirds of the members of the city council,<sup>3</sup> and each and every ordinance so passed as aforesaid, shall be published for two weeks, at least once in each week in the newspapers printed and published in the said city, before the same shall take effect;<sup>4</sup> and provided, that whenever the city council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in a newspaper.<sup>5</sup>

Passage of ordinances.

Proviso.

30. And be it enacted, That the city council shall have power within the said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws, for the following purposes:<sup>6</sup>

Council has power to make rules, &c.

<sup>1</sup> This means the majority of all the membership constituting the whole council, not a majority of a quorum. *Stanton vs. Hoboken*, 52 N. J. Law, 88.

<sup>2</sup> An ordinance may be read once in full and twice by title. *Anderson vs. Camden*, 58 N. J. Law, 515.

<sup>3</sup> Where a charter provides that an ordinance shall not be passed unless introduced at a previous meeting of council it cannot be passed at an adjourned meeting. *Staats vs. Washington*, 44 N. J. Law, 605; *People's Gas Light Company vs. Jersey City*, 46 N. J. Law, 297; *Flood vs. Atlantic City*, 63 N. J. Law, 530. A slight amendment to the title of an ordinance or an immaterial change in the ordinance, will not make it necessary to lay the ordinance over to a subsequent meeting before being finally passed. *Staats vs. Washington*, 44 N. J. Law, 605.

<sup>4</sup> All ordinances are now required to

be published in at least one newspaper of the city for at least two insertions. *Gen. Stat.*, page 793, section 1565 et seq. *Bowyer vs. Camden*, 50 N. J. Law, 87.

<sup>5</sup> As to compilation and revision of ordinances, see P. L. 1897, p. 353.

<sup>6</sup> The grant of powers of local government to a municipal corporation is not a contract, but an exercise of legislative power; and the legislature may, at any time, take away, resume or limit such power. *Mayor, etc., of Jersey City vs. Jersey City and Bergen R. Co.*, 20 N. J. Equity, 360; *Paterson Horse R. Co. vs. Paterson*, 24 N. J. Equity, 164.

As to the meaning of the words, "Ordinances, rules, regulations and by-laws," see *Hunt vs. Lambertville*, 45 N. J. Law, 279; *Taylor vs. Lambertville*, 43 N. J. Equity, 111.

Where powers are conferred upon mayor and aldermen requiring the exercise of their judgment and discretion,

Regulate the finances.

I. To manage, regulate and control the finances and property, real and personal, of the city;

Prevent vice and immorality.

II. To prevent vice, drunkenness and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages;

Gaming, &c.

III. To restrain and suppress disorderly and gaming houses, and houses of ill fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices;

License restaurants, &c.

IV. To license and regulate restaurants, victualling houses or cellars, ale and lager beer saloons or gardens,<sup>1</sup> billiard tables and bowling alleys, and to prohibit the keeping of the same, except by persons duly licensed;

License exhibitions, &c.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the city treasurer.<sup>2</sup>

To establish boundaries of streets, &c.

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said city,

they cannot be delegated without express legislative authority. *State, Danforth, pros., vs. City of Paterson*, 34 N. J. Law, 163.

Where an ordinance is confused, yet by careful reading aided by a map it is intelligible, it will not be avoided for uncertainty. Effect must be given, if possible, to all ordinances regularly passed, and within the powers conferred by the charter. *State, Boice, pros., vs. City of Palmyra*, 38 N. J. Law, 95.

Where the charter of a municipal corporation requires a proceeding to be instituted by an ordinance, it cannot be effected by a resolution merely, the latter being wanting in the solemnities of the former and not regarded as a legal equivalent. *City of Paterson vs. Harriet*, 46 N. J. Law, 62.

The only existence of a common

council is as a board, and they can do no valid act except when organized and acting as a board, and such act must be by ordinance, or resolution, or something equivalent thereto. *Dey vs. Mayor and Common Council of Jersey City*, 19 N. J. Equity, 412; *Schumm vs. Seymour*, 24 N. J. Equity, 153; *Pierson vs. Dover*, 61 N. J. Law, 404.

<sup>1</sup>The power to license saloons, etc., as conferred by this section, is now vested in the board of excise commissioners, elected under act of April 8, 1902. P. L. 1902, page 628.

<sup>2</sup>Superseded by act respecting licenses passed March 25, 1881, and amended May 2, 1889. Gen. Stat., page 2234, section 517.

and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys;<sup>1</sup>

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes and alleys, bridges, wharves and docks in said city,<sup>2</sup> and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water courses, wharves or docks in any manner whatever;<sup>3</sup> to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highways or alley in said city,<sup>4</sup> or in

To regulate streets, laying of pipe, regulate planting of trees, removal of snow and ice.

<sup>1</sup>This section does not give the city power to authorize buildings to be erected within the boundaries of an established street or highway. *Attorney General vs. Heishon*, 18 N. J. Equity, 410.

It is the settled law of this state that the determination of the boundaries of a street requires action of a judicial nature to ascertain the precise character and extent of encroachments, and that parties to be affected by the adjudication have a right to be heard. *Voorhees vs. Bound Brook*, 55 N. J. Law, 548.

An obstruction to a street can only be removed forcibly and in a summary manner when it is apparent or readily ascertainable without adjudication as to the right. *New York and Long Branch Railroad Company vs. South Amboy*, 57 N. J. Law, 252.

<sup>2</sup>Where a charter confers power to regulate the streets and walks of a city, the power to incur debts for that purpose necessarily follows. *Bigelow vs. City of Perth Amboy*, 25 N. J. Law, 297.

Streets may be cleaned by contract for a term not exceeding one year. *P. L. 1900*, p. 293.

The common council of a city have no authority, under the general power to regulate streets, to grant to an individual, license to lay a track across the public street for his own use. Streets and highways are intended for the common and equal benefit of all. *State, Montgomery, pros., vs. Trenton*, 36 N. J. Law, 79.

<sup>3</sup>The power to remove obstructions

from the public streets given to a common council only gives them the right to remove such obstructions as are apparent and readily ascertainable, without the necessity of an adjudication. It does not extend to cases of a doubtful or uncertain nature, and which require to be first lawfully determined (*State, Associates Jersey Co. and N. J. R. R. Co., vs. Mayor, etc., of Jersey City*, 34 N. J. Law, 31.) An ordinance prohibiting the standing of a railroad train directly across the public street longer than two minutes at one time is not unreasonable and is valid. (*State, Long, pros., vs. Mayor, etc., of Jersey City*, 37 N. J. Law, 348.) A municipality, which has by law the control and supervision of the public highways, within its territorial limits, may maintain a suit in equity to prevent any alteration of them or injury to them, which will deprive the public of their safe and convenient use. *Jersey City vs. Central R. R. Co.*, 40 N. J. Equity, 417.

<sup>4</sup>Under this section council may adopt reasonable regulations controlling the running of street cars. (*Trenton Horse R. R. Co. vs. Trenton*, 53 N. J. Law, 132.) Under a charter conferring power to regulate public streets, a city council may by ordinance compel trolley cars to have proper fenders on front; and may also compel trolley cars to come to a full stop before crossing intersecting streets. *Cape May R. R. Co. vs. Cape May*, 59 N. J. Law, 396.

digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate, to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks, and grounds of the city, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt, from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon:<sup>1</sup>

To provide for streets.

VIII. To widen, level, grade, flag or reflag, curb or re-curb, gutter or regutter, pave or repave, macadamize or gravel the streets, avenues, highways and alleys of said city, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed;<sup>2</sup>

To establish drainage of lots, &c.

IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city, which shall be deemed dangerous or unwholesome, or necessary to carry out any improvements authorized by this act, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, tract, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected;<sup>3</sup>

<sup>1</sup> Under this section any material alteration in any street of the city must be by ordinance. (*Cross vs. Mayor of Morristown*, 18 N. J. Equity, 305.) Under this and the following section council has power to determine the respective width of the streets and the sidewalks and how the space appropriated to each shall be divided between them. *Budd vs. Horse R. R. Co.*, 61 N. J. Equity, 543.

The removal of snow, ice and drift is provided for by P. L. 1899, page 219.

<sup>2</sup> Municipal authorities in making street improvements are the agents of the owners of lands to be benefitted thereby, and contracts lawfully made by them bind such owners; but the owners are entitled to have the con-

tracts specifically performed, and the Court of Equity will enjoin said officers from accepting and paying for work not in compliance with the contracts. *Schumm vs. Seymour*, 24 N. J. Equity 143. But the owners must apply for relief before the money is paid. *Leibstein vs. Mayor, etc., of Newark*, 24 N. J. Equity 200; *Dusenbury vs. Mayor of Newark*, 25 Equity 295.

<sup>3</sup> Equity will restrain a municipality from carrying out a drainage scheme which will collect a large quantity of surface water and discharge the same on lands of an individual in such quantities as to practically render the land valueless. *Fuller vs. Township of Belleville*, 57 N. J. Equity, 468.

X. To prevent or regulate the erection of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same, where already erected at the expense of the owner or occupant of the premises:<sup>1</sup>

XI. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through the said city;<sup>2</sup> and designate the crossings at which any railroad company shall be required by the city council to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars;<sup>3</sup>

XII. To prohibit the driving any drove or droves of horses, mules, cattle, sheep or swine through any of the streets of the city, on the first day of the week, commonly called Sunday, and to regulate same at other times:

XIII. To regulate, protect and improve the parks,<sup>4</sup> public burial grounds, and other public grounds in said city:

XIV. To provide lamp and gas fixtures, and to light

<sup>1</sup> Under a similar section of the charter of Newark, council has no power to pass an ordinance granting permission to a property owner to erect, construct and maintain an arch over a street, connecting buildings on both sides thereof. *Beecher vs. Newark*, 65 N. J. Law, 307.

<sup>2</sup> The power given a city in its charter to regulate the speed of locomotives and railroad cars does not authorize such regulation except in the streets of the city, its squares and public grounds. *State vs. Jersey City*, 29 N. J. Law, 170.

An ordinance prohibiting the standing of a railroad train across a public street, in Jersey City, longer than two

minutes at one time, was held not to be unreasonable. *State, Long, pres. vs. Jersey City*, 37 N. J. Law, 348.

<sup>3</sup> An ordinance to compel a railroad company to station flagmen at street crossings is a judicial act and is subject to review by the Supreme Court, which will determine whether the power has been exercised in a legal and reasonable manner. *Delaware, Lackawanna and Western Railroad Company vs. East Orange*, 41 N. J. Law, 127, see also *Pa. R. R. Co. vs. Jersey City*, 47 N. J. Law, 287.

<sup>4</sup> Public parks are now managed and controlled by the park commissioners, appointed under act of March 28, 1892, Gen. Stat. p. 2614, section 35, et seq.

the streets, parks and public places of every description in said city;<sup>1</sup>

To regulate wells.

XV. To make and regulate wells, pumps, aqueducts and cisterns in the public streets;

To regulate pounds and impounding animals.

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and sale;

To regulate dogs.

XVII. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs;<sup>2</sup>

Slaughter houses, markets, butchers.

XVIII. To locate, regulate and remove slaughter houses,<sup>3</sup> establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without licenses;

To regulate sale of hay, wood, &c.

XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles, from wagons or other vehicles;

To prohibit frightening animals.

XX. To regulate or prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city;

To punish drunkards.

XXI. To restrain and punish drunkards, vagrants, mendicants and street beggars;

To establish Board of Health.

XXII. To establish a board of health, define its powers

<sup>1</sup> A contract to light the streets of a city may be for five years; may be made without previous advertisement and reception of proposals; and in the absence of fraud need not be awarded to the lowest bidder. Gen. Stat. p. 2174, section 242, *Oakley vs. Atlantic City*, 63 N. J. Law, 127. But see laws of 1898, p. 804, section 33, as to bids.

<sup>2</sup> An "act providing for licensing

of dogs." Gen. Stat. p. 2237, section 533, superseded the power of a municipality to exact such license fees under its charter. *Treasurer of the City of Elizabeth vs. Dunning*, 58 N. J. Law, 554.

<sup>3</sup> Now regulated by Board of Health, under act of March 29, 1892, Gen. Stat. p. 1644, section 49, sub. div. iv.



and duties, and provide for the protection and maintenance of the health of the city;<sup>1</sup>

XXIII. To prescribe the manner in which all contracts for performing work, or furnishing materials for the city, shall be made and executed: To regulate contracts.

XXIV. To abate or remove nuisances of every kind at the expense of those maintaining the same, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing which is or may be detrimental in the opinion of the sanitary committee or board of health, appointed or established by said city council to the health of the inhabitants of the city, to cleanse, remove, or abate the same from time to time, under the direction of the city council, as often as the said sanitary committee or board of health may deem necessary for the health of the inhabitants of the city, or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupant, and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected in such manner as the city council may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance.<sup>2</sup> To abate nuisances.

XXV. To regulate the burial of the dead,<sup>3</sup> prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality,<sup>4</sup> and establish such regulations To regulate the burial of the dead.

<sup>1</sup> Board of Health was established under act of March 31, 1887, Gen. Stat. 1636, section 9.

<sup>2</sup> Nuisances are now abated by the Board of Health under act of March 31, 1887, Gen. Stat. p. 1637, section 13, et seq. Every grocery, butcher's stall or tannery, cannot be abated as a nuisance, such places are secure against interference or restraint, until they are adjudged to be so employed as to be inimical to public health or safety, or until their owners contravene some ordinance prescribing the mode in which

they shall be used, and thereby make them nuisances. State, Marshall, pros. vs. Street Commissioners of Trenton, 36 N. J. Law, 285.

<sup>3</sup> The regulation of the burial of the dead, is now under the jurisdiction of the Board of Health. Gen. Stat. p. 1645, Section 49 Sub. Div. XIV as amended by P. L. 1892, p. 342, 344.

<sup>4</sup> Certificates concerning marriages, births and deaths are returned under act of Feb. 15, 1888, Gen. Stat. p. 2006, section 11 et seq.

for conveying the dead through the streets of said city as the health, quiet and good order of the city may in their opinion require.<sup>1</sup>

To license cartmen, porters, wagons, storekeepers and shopkeepers.

XXVI. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage or truck owners and drivers, carriages and vehicles, used for the transportation of passengers and merchandise, goods or articles of any kind, auctioneers, common criers, hawkers, peddlers, pawn brokers,<sup>2</sup> junk shop keepers, sweeps and scavengers,<sup>3</sup> and to fix the rates of compensation to be allowed to them, and to license and regulate merchants, storekeepers and shopkeepers, and to prohibit unlicensed persons from acting in such capacities:<sup>4</sup>

To regulate bells, steam whistles, &c.

XXVII. To regulate the ringing of bells, blowing of steam whistles and the crying of goods and the other commodities for sale at auction or otherwise,<sup>5</sup> and to prevent disturbing noises in the streets;

To regulate swimming.

XXVIII. To regulate or prohibit swimming or bathing in the waters of, or bounding the city:<sup>6</sup>

To regulate weights and measures.

XXIX. To regulate weights and measures in conformity with the standard of weights and measures established by law;<sup>7</sup> and to require every merchant, retailer, trader and dealer in merchandise or property of every description which is sold by measure or weight, to cause their weights and measures to be sealed by the city scaler, and to be subject to his inspection:

<sup>1</sup>Transportation of dead human bodies across or within the State is regulated by act of March 23, 1900, P. L. 1900, p. 387.

<sup>2</sup>See act to regulate and license pawnbrokers. Gen. Stat. 2444, section 1, et seq.

<sup>3</sup>The licensing and regulation of persons engaged in the business of cleaning cess-pools, etc., is within the jurisdiction of the Board of Health. Gen. Stat. p. 1643, sections 46 and 47.

<sup>4</sup>The power to regulate and license a business or trade, confers no power to impose a tax upon such business or trade, *Muhlenbrinck vs. Long Branch Commissioners* 42 N. J. Law, 364. Un-

der act of May 2, 1885, Gen. Stat. 2234, section 517, power is given to license certain businesses enumerated for the purpose of revenue. *Haynes vs. Cape May* 50 N. J. Law, 56. See also act of April 28, P. L. 1905 p. 360, which allows license fees for revenue.

<sup>5</sup>As to regulation of sales by itinerant vendors, see act of May 21, 1894, Gen. Stat. p. 1826, section 1 et seq.

<sup>6</sup>Common Council may purchase, construct, and maintain free public baths, under act of March 22, 1901, P. L. 1901, p. 271.

<sup>7</sup>A uniform standard of weights and measures is established by act of March 17, 1881, Gen. Stat. 3751, section 1 et seq.

XXX. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation;<sup>1</sup> to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;<sup>2</sup>

To regulate fire department.

XXXI. To regulate and control the manner of building houses and other buildings,<sup>3</sup> and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable or other building, of wood or other combustible material, to regulate the construction of chimneys and compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things, in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any city officer, or person or persons whom they may designate for that purpose to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires, to regulate or prohibit the manufacture, sale, or use of fireworks, and the use of firearms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit-gas, petroleum and other dangerous materials, and the use of candles and lights in barns, stables and other buildings; to raze or demolish any building or erection which by reason of fire, contagion or any cause, may become dangerous to human life or health, or tend to extend a conflagra-

To regulate buildings, boilers, furnaces, manufactories, fire works, gunpowder, &c.

<sup>1</sup> Firemen permanently injured during service shall be retired upon half pay under act of March 17, 1893. Gen. Stat. 1525, section 270.

<sup>2</sup> The government, control and management of the fire department is now vested in a Board of Fire Commissioners under revised ordinances, sections 108 to 125.

<sup>3</sup> For power to appoint and remove an inspector of buildings, see act of April 28, 1886. Gen. Stat. 575, section 568 et seq.

Fines imposed for the violation of Fire ordinances are to be recovered by Firemen's Relief Associations under act of March 12, 1890, Gen. Stat. p. 1501, Sec. 133. Under act of March 28, 1905, P. L. 1905, p. 114, firemen may associate themselves together as a body corporate, for the purpose of providing and maintaining a fund to pension firemen, their widows, dependent parents and children. The act provides for the method of formation of such corporations, and their sources of income.

tion; to require all such further or other acts to be done, and to regulate and prohibit the doing all such further or other acts as they may deem proper, to prevent the occurrence and provide for the extinguishment of fires in said city;

To collect taxes.

XXXII. To adopt all legal and requisite measures for levying and collecting taxes;

To define duties of ward officers, and bonds.

XXXIII. To prescribe and define the duties of city and ward officers, where not otherwise prescribed by law, and their compensation and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties and the time for executing the same in cases not otherwise provided for by law.

To determine salaries.

XXXIV. To fix and determine a reasonable compensation, to be paid to any officer of said city or other person employed by them, for any service required of him by this act or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided to be paid by the person or persons for whom such services shall be performed:<sup>1</sup> provided, that the salary of the mayor shall not be fixed at less than one thousand dollars per year, nor shall the same be increased during the term of his office.<sup>2</sup>

Proviso.

To regulate sewers, collectors of water rents, laying water pipe.

XXXV. To cause common sewers and culverts to be made and permit vaults to be constructed in any part thereof, under such regulations as said city council may deem proper, and to regulate the rate or price of supplying citizens of said city with water, and the collection of the water rents due said city, and for the laying of water pipes within the bounds of said city.<sup>3</sup>

<sup>1</sup>The salary of a municipal officer may be reduced during his term. Acts of the Legislature or ordinances of City Councils, fixing terms and salaries of municipal officers are not contracts with such officers. *Love vs. Mayor, etc., of Jersey City*, 40 N. J. Law, 456.

<sup>2</sup>The salary of the Mayor may be fixed at a sum not exceeding \$2,500 per annum, if the electors of the city vote to accept the provisions of the act of

March 14, 1899, P. L. 1899, p. 39.

<sup>3</sup>The acts of a municipality with reference to sewers or the use of streets, so long as they keep within their powers, are not subject to judicial review. *Standinger vs. Newark*, 28 N. J. Equity, 187.

The use of a public street for the construction of a sewer is lawful. *Traphagen vs. Jersey City*, 29 N. J. Equity, 206.

XXXVI. That it shall be lawful for the city council of the said city of Camden, whenever they shall think it proper, for the convenience of the voters of any of the wards of the said city, to divide by ordinance, such ward into two or more election districts of convenient size, and to appoint officers of election for said election districts, in the same manner and in accordance with the provisions of an act entitled, "A further supplement to an act entitled, An act to incorporate the city of Camden," approved March fifth, one thousand eight hundred and fifty; which said supplement was approved February 26, 1864.

31. And be it enacted, That the city council shall have power to make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of the state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other law of this state; and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city, and its inhabitants, and the same to alter, modify, amend and repeal.<sup>1</sup>

32. And be it enacted, That in all cases where by the provisions of this act the city council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the county jail, not exceeding ten days, or by a fine not exceeding one hundred dollars;<sup>2</sup> the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by said city council of all ordinances and by-laws recorded therein; and further, the volume of ordinances

<sup>1</sup> Under this section and sub. sec. 7, of section 30, Council may adopt reasonable regulations controlling the running of street cars. *Trenton Horse R. R. Co. vs. Trenton*, 53 N. J. Law, 132.

<sup>2</sup> An ordinance without a penalty for its violation is nugatory. *Tomlin vs. Cape May*, 63 N. J. Law, 429.

A municipality cannot pass an ordinance creating a forfeiture of goods or enforcing a penalty by sale of goods and chattel except by express author-

ity. *White vs. Tallman*, 26 N. J. Law, 67.

Under this section the penalty must be by imprisonment not exceeding 10 days or by fine not exceeding \$100, and cannot be by fine or imprisonment for specified time on default of payment of such fine. *Doran vs. Camden*, 64 N. J. Law, 666. Nor can both penalties be prescribed at the discretion of the justice. *Leland vs. Long Branch Commissioners*, 42 N. J. Law, 376.

and by-laws printed and published by the authority of the city council, shall in like manner be taken and received in evidence of the ordinances and by-laws of the said city council,<sup>1</sup> and the publication of the said ordinances and by-laws in the public newspapers, according to law, shall in all cases be presumed to have been made until the contrary be proved.

To build a city hall.

33. And be it enacted, That the city council shall have power to build and maintain a city hall,<sup>2</sup> and such other buildings as they may deem necessary for the accommodation of the city officers, and the day and night police of the said city.

To build and maintain work-houses and almshouses.

34. And be it enacted, That the council shall have power to build, establish, keep, and maintain one or more work-house or work-houses, and one or more almshouse or almshouses for the relief of the poor; and the said city council shall have power, by their ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing, and keeping persons therein: the application and expenditure of all moneys raised for the maintainance and relief of the poor of the said city, shall be under the government, management and direction of the said city council, and of the overseer of the poor, and such other officers as they shall for that purpose constitute and appoint; and the overseer of the poor shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

To prescribe character of buildings.

35. And be it enacted, That it shall be lawful for the said city council, by ordinance, to prescribe the character and stability of all buildings to be hereafter erected within the bounds of said city, to direct the depth of foundation, thickness and materials used in the construction of the walls thereof, and regulate all such other matters as shall be deemed necessary to be observed in the construction of

<sup>1</sup> Codified ordinances printed in book form may be certified and made evidential under act of March 14th, 1895, Gen. Stat. p. 805, section 1630.

<sup>2</sup> As to erection of City Hall see act

of March 3, 1880, Gen. Stat. p. 666, section 997 et seq.; also P. L. 1896, p. 351; P. L. 1897, p. 236; P. L. 1900, p. 77; *Ib.*, p. 38, section 5; P. L. 1902, p. 405; *Ib.*, p. 563.

buildings, to protect and insure the health and safety of the citizens; provided, that no party wall shall be less than nine inches in thickness. Proviso.

36. And be it enacted, That it shall be lawful for the said city council to provide by ordinance for the punishment by fine or imprisonment, of the builders, contractors, and owners, or any of them, of any building or buildings, erected contrary to the provisions of such ordinances as shall be adopted in pursuance of this act, in reference to the construction of buildings in the city of Camden, and to compel the alteration or removal of any building or buildings which shall be constructed contrary to the provisions of such ordinance. To punish persons for infringement of building ordinance.

37. And be it enacted, That the said city council shall have power to appoint a building inspector for said city, who shall be a practical builder, and who shall inspect all buildings hereafter to be erected in said city; he shall be appointed for the term of three years, but shall be liable to be removed at any time the city council may deem proper, and another appointed in his stead; it shall be the duty of such building inspector to report all violations of any ordinance regulating the erection of buildings to the city council as soon as can be done, and shall have authority at all reasonable times, to enter any buildings in progress of construction or erection for the purpose of inspecting the same; and said inspector shall not be employed during his term of office either directly or indirectly, as a contractor, in the construction of buildings in said city. Council to appoint a building inspector.

38. And be it enacted, That the police and night watchmen of said city shall be appointed by the mayor conjointly with the police committee appointed by said city council, and hold their office under the control and at the pleasure of the mayor of said city and said committee; and said mayor and committee shall appoint a proper person to be the chief of police, and said city council shall define his duties, and that no policemen or watchmen shall engage in any other business during his term of office.<sup>1</sup> Appointment of police and night watchmen.

<sup>1</sup> By the Police Tenure of Office Act, Gen. Stat., p. 1534, section 326, and P. L. 1898, p. 65; 1899 p. 26 and 1902 p.

183, officers and employees of the Police Department of any city cannot be removed except for just cause and after

that whenever any election district of said city shall poll over seven hundred votes, the city council shall have power to divide said election district into precincts and appoint the officers thereof, until the next annual spring election.

## TITLE IV.

### OF THE POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCEMENT OF THE ORDINANCES.

Duties of the  
mayor.

39. And be it enacted, That it shall be the duty of the mayor to keep the corporate seal of the city, to cause the laws and ordinances to be duly executed and enforced, and generally to perform all such duties as may be required of him by law or the ordinances of said city; he may under the direction of the city council offer rewards for the detection or apprehension of the perpetrator of any offenses against the city ordinances, or of any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

Duties of mayor,  
recorder and  
aldermen.

40. And be it enacted, That the mayor, recorder, and aldermen of said city, and each and every one of them, shall have jurisdiction in all matters of a criminal nature, and in all matters of a civil nature, that the justices of the peace, or any of them of the county of Camden now have, or hereafter may have; such jurisdiction to be limited within the bounds of the city of Camden, with full power to issue process, and to hear, try and determine all suits at law of a civil nature within the said bounds that are cognizable before any justice of the peace of the county of Camden, including cases in attachment, in the same

written charges, duly signed, and a public examination into the same by the proper authority. *Bakely vs. Nowrey*, 68 N. J. Law, 95. Supplement to the Charter of the City of Camden, approved March 7, 1872, gives the Mayor power to appoint the police and night watchmen of the city of Camden.

Police over 60 years of age, may be

pensioned by Council after 20 years' service, under act of March 31, 1885, Gen. Stat. p. 1536, section 335.

No person shall be appointed an officer or member of the police force in any city who has ever been convicted of a crime, or who is less than twenty-one or more than fifty-five years of age at the time of his appointment. Act of April 9, 1902, P. L. 1902 p. 665,



manner and with like effect in every particular and under the same rules and regulations as now are provided.<sup>1</sup>

41. And be it enacted, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness, or other cause, from attending to the duties of his office, the recorder of the city shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office, caused by the absence or disability of the mayor.<sup>2</sup>

42. And be it enacted, That the mayor is hereby authorized, on witnessing any breach of the peace, forthwith to commit the offender for a hearing without the issuing of any warrant or process; and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, he shall have control of the constables, watchmen, and police officers of said city, and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper, to call out the militia of the said city, and employ the same in quelling any insurrection, riot or disturbance of the peace.

43. And be it enacted, That the city clerk shall keep all the records, books, papers, and documents of the city, countersign all licenses signed by the mayor and the president of the city council, and keep the records of the proceedings of the city council; he shall engross all the ordinances of the city council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president, or president pro tempore, of said city council, and said city clerk; and transcripts thereof, and of the records and proceedings of the city council and copies of the laws or ordinances of said city, certified by him under the cor-

<sup>1</sup>The recorder of the city is authorized to try civil suits under the small cause act. The Legislature may confer the powers of a justice of the peace on the Mayor, Recorder and Aldermen of a City or Borough. *Hutchinson vs. Scott*, 9 N. J. Law, 218.

<sup>2</sup>Where an officer is to be appointed by the Mayor and confirmed by Council, and the charter provides that in the

absence of the Mayor, the President of the Council shall act as Mayor, proof of an appointment by the President of Council, claiming to act as Mayor, and confirmation by Council, will not be sufficient to establish title to the office, but it must appear that the facts existed upon which the right of the President of Council to nominate arose. *Clarke vs. Trenton*, 49 N. J. Law, 349.

porate seal,<sup>1</sup> shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys, which, by any law, ordinance, or usage, are paid to the city clerk.

Powers of police officers and constables, mayor, recorder and aldermen.

44. And be it enacted, That the police officers and constables of the said city are hereby empowered to arrest and take into custody, without warrant, any offenders against the law and ordinances of the said city, or any person or persons disturbing the peace or quiet of said city; and to carry such offenders before the mayor, recorder or one of the aldermen of said city, who are hereby empowered and authorized to hold courts and take cognizance of such offences, which said courts so held shall be courts of record; or in case the said arrest shall be made during the night, or on the Sabbath day, or when the mayor, recorder, or aldermen, or either of them cannot hear the same or hold such courts, to confine such offenders in the jail or in some other safe and convenient place in said city, until the day following, or until such time as the same can be heard, and then without unnecessary delay carry such offender or offenders before the mayor, recorder or one of the aldermen as aforesaid; or the mayor, recorder or either of the aldermen of said city may arrest and apprehend any such offenders for offences committed in their presence without warrant; or upon complaint made in writing under oath or affirmation, may issue a warrant directed to one of the constables or one of the police officers of said city, or any or either of them, commanding such officers, to take such offender or offenders and bring him, her or them forthwith, before such person issuing such warrant; and when any such offender or offenders shall be arrested or brought before any such mayor, recorder or alderman, as the case shall be, to proceed in a summary manner to hear and determine the same and punish the offenders;<sup>2</sup> and if he, she, or they, as the

<sup>1</sup> The City Clerk is not bound to furnish gratuitously to private persons, certified copies of municipal proceedings. *Wendell vs. Newark*, 63 N. J. Law, 216.

<sup>2</sup> Where a special power is given to a Magistrate by statute to convict an offender in a summary manner, without trial by jury, the record must show everything necessary to constitute a legal conviction. *Hankinson vs. Trenton*, 51

N. J. Law, 495; see also, *Salter vs. Bayonne*, 59 N. J. Law, 128. Certain acts which are indictable as offences against the State, may also be, by the Legislature, constituted offences against the police regulations of municipalities, so as to subject the offender to the mode of trial incident to proceedings for the violation of ordinances; if, in such cases the Legislature has not

case may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant commanding the officers aforesaid, or one of them, to convey such offender or offenders, as the case may be, either to the city jail or the jail of the county of Camden, specifying in said warrant which one of the said jails, there to remain until the term of his, her, or their imprisonment shall have expired and the cost of conviction be paid; and in case the said offender or offenders shall be sentenced to pay a fine, then for the said mayor, recorder or alderman, as the case shall be, either to order the offender or offenders to be committed to one of the jails as aforesaid, until the fines and costs are paid, or to issue a warrant directed to one of the constables or one of the police officers of said city, or to any or either of them, commanding said officer, to levy and make such fine and costs of the goods and chattels of such offender or offenders as the case may be,<sup>1</sup> and for the want of sufficient goods and chattels, to take and convey such offender or offenders to one of the jails aforesaid, specifying in said warrant to which one, there to remain until such fine and costs be paid or satisfied, which said fine, when paid or collected, shall be paid over to the treasurer of the city for the use of the said city, unless otherwise directed by the city council; provided, always, <sup>Proviso.</sup> that any such offender or offenders convicted as aforesaid, may appeal to the city council upon such terms and conditions as the said city council may by ordinance prescribe and impose, but such appeal shall be made within twenty days from such conviction.

45. And be it enacted, That the jailor of the county of Camden, for the time being, shall receive and safely keep <sup>Jailor of the county to keep prisoners.</sup> all such offenders as shall be committed to the jail of the county of Camden, for the term of his, her or their imprisonment; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said city.

46. And be it enacted, That it shall be the duty of the city treasurer, once in each year, to make out a statement <sup>Treasurer to make reports.</sup> of all moneys received and paid out during the year, show-

made special provision for a trial by jury, it cannot be demanded as a matter of right. *Riley vs. Trenton*, 51 N. J. Law, 498, see also *Skillman vs. Police Commissioners*, 64, N. J. Law, 489.

<sup>1</sup> As to execution against goods, chattels and persons of defendants, see Gen. Stat. 2482, section 5; also *Bregguglia vs. Vineland*, 53 N. J. Law, 171.

ing the source from whence received and to what applied, the amount of indebtedness of the city, and the balance of the funds, if any, in his hands; which statement shall be filed in the office of the clerk of the city, at least twenty days before the next annual election for ward and city officers; and the city council shall cause the same to be published in two or more of the newspapers published and circulated in said city, at least two weeks previous to such election, and it shall also be the duty of said treasurer to make a quarterly report to the city council of the moneys by him received and disbursed.

*Duties of freeholder, commissioner of appeal, assessors, overseer of the poor, constable, &c.*

47. And be it enacted, That the chosen freeholders, commissioners of appeal in cases of taxation, assessors and overseers of the poor, constables and ward clerks, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this State, so far as such powers and duties shall be consistent with the provisions of this act; and that the receiver of taxes shall possess the powers and perform the duties of collectors of the several townships, so far as such powers and duties shall be consistent with the provisions of this act; the officers, judges of election, or inspectors of registry and of election of each of the wards of said city as are or may be provided for by law, or required, or as in the absence of legal provisions may be provided for by ordinance of the city council, shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent and in the same manner in all respects as if each of the wards of said city was constituted a separate township of the county of Camden, so far as such powers and duties shall be consistent with the provisions of this act.<sup>1</sup>

*Receiver of taxes to appoint deputies with consent of council.*

48. And be it enacted, That the receiver of taxes shall have the power to appoint with the consent of the city council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said receiver of taxes to do; and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said receiver of taxes; the said deputy or

<sup>1</sup> Superseded by general election law P. L. 1898 p. 237.

deputies to give such security for the faithful performance of their respective offices as the city council shall direct.<sup>1</sup>

49. And be it enacted, That the office of the said receiver of taxes shall be kept in the city hall in said city, and he or such deputy as he shall appoint, shall sit at such times and places in said city for the receipt of taxes as the city council shall direct, and it shall be the special duty of the said receiver of taxes, to receive all taxes which may be paid, and preserve in his office the assessment books, which shall from time to time be delivered to him by the assessors of the different wards of said city as prescribed by this act.<sup>2</sup>

Receiver of taxes  
office in city hall.

50. And be it enacted, That the said receiver of taxes shall enter in suitable books to be kept for that purpose, the sums received by him for taxes respectively, and the ward for which received, with the names of the persons on whose account the same shall be paid on each day, and shall at least twice in each week furnish to the treasurer a detailed statement of such sums, designating the amounts received and from which ward, and shall also at the same time pay over to the said treasurer the amount so received, and shall also pay over to the treasurer once in each week the sums collected on any warrant to him directed; he shall thereupon receive from the said treasurer a voucher for the payment of such sum or sums, which he shall file in the office of the city clerk to be presented to the city council.

Duties of receiver  
of taxes.

51. And be it enacted, That the city surveyor, city solicitor, city sealer of weights and measures, and all other officers appointed by the city council, shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinance, by-laws, rules and regulations of the city council,<sup>3</sup> and on application for that purpose, the secretary of state of this state shall allow

Sealer of weights  
and measures.  
City surveyor  
and city solicitor.

<sup>1</sup> The Receiver of Taxes may, with the approval of the Mayor, appoint a collector of unpaid taxes, upon personal property, under act of March 19, 1896, P. L. 1896, p. 99.

<sup>2</sup> It is the duty of the Receiver of Taxes of the City of Camden to collect all city taxes, but he has no power to

sell lands for the satisfaction of taxes, which become a lien thereon. *Bowyer vs. Camden*, 50 N. J. Law, 87.

<sup>3</sup> A City Solicitor may consent to a reference to arbitration on behalf of the city. *Paret vs. Bayonne*, 39 N. J. Law, 559.

and assist the said city sealer of weights and measures to compare and adjust the standard of weights and measures for said city, and shall certify and seal the same in the manner required by an act entitled "An act to establish a uniform standard of weights and measures in this state."

## TITLE V.

### OF THE ASSESSMENT AND COLLECTION OF TAXES.

Council to raise money.

52. And be it enacted, That the city council shall have power by ordinance to order the raising, and cause to be raised by tax, in each year, such sum or sums of money as they deem expedient for the following purposes:<sup>1</sup>

For lighting streets.

I. For defraying the expenses of lighting the streets of said city;

For police.

II. For supporting a day and night watch therein;

For water.

III. For supplying the said city with water for the extinguishment of fires and other purposes, and for maintaining water works for the purpose of supplying said city with water;

For fire department.

IV. For supporting the fire engine department;

For the poor.

V. For maintaining and supporting the poor;

For erecting city hall, &c.

VI. For purchasing a lot or lots in said city for the purpose of erecting market houses, city hall, jail, and such other public buildings as may be necessary and convenient for the said city, and such other real estate as may be necessary;

For street purposes.

VII. For opening, regulating,<sup>2</sup> paving, flagging and graveling the streets of said city;

<sup>1</sup> When the limit of expenditures for city purposes for a stated period is fixed by ordinance, it is criminal for the City Council to incur obligations during that period in excess of such appropriations, and the obligations so incurred are invalid. *Atlantic City Water Company vs. Read*, 50 N. J. Law, 665, P. L. 1898, p. 803, section 31. *Hurley vs. Trenton*, 66 N. J. Law, 538.

<sup>2</sup> When the appropriation for cleaning streets is insufficient, Council shall have power to increase the same during the fiscal year, and may borrow the amount thereof on temporary loan bonds in anticipation of taxes to be levied the next year, under act of March 12, 1890, Gen. Stat. p. 799, sections 1608 and 1609.

VIII. For the support of public markets;

For markets.

IX. For the payment of the interest upon the city debt <sup>For payment of interest.</sup> and upon temporary loans, and such part of the principal thereof as may be due and payable:

X. For defraying the contingent expenses of said city, <sup>For contingent expenses.</sup> and for all other objects and purposes whatever, authorized by this act, which said ordinance shall specify the amount to be raised for each purpose.

53. And be it enacted, That so much of the said taxes <sup>Tax to be collected from the citizens.</sup> as shall be ordered to be raised for lighting the streets of said city, supporting the police therein, supplying the city with water for the extinguishment of fires, regulating, opening, paving, flagging, curbing, graveling the streets, and improving the public grounds as aforesaid, shall be assessed and collected upon and from all persons residing, and lands located within the lamp and watch district of said city, to be by the said city council hereafter, from time to time, by ordinance established;<sup>1</sup> which tax, when raised and collected, shall be immediately paid over unto the treasurer of the city, to be subject to the order of the city council.

54. And be it enacted, That it shall be lawful for the city council to borrow money from time to time, in the corporate name of the said city, for all purposes for which they are, by this act, authorized to raise money by tax, and secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the city, and signature of the mayor, and to provide by tax for the payment thereof; provided, that no loan shall be made <sup>Proviso.</sup> without the concurrence of at least a majority of all the members of the city council; and there shall not be a greater sum than seventy-five thousand dollars raised by loan in any one year.<sup>2</sup>

55. And be it enacted, That the assessors of the several <sup>Duties of assessor.</sup> wards of the said city, shall assess upon the persons and

<sup>1</sup> The Legislature cannot bestow upon the Common Council of a city the power to establish taxing districts within the city, narrower in extent than the city limits. *Morgan vs. Comptroller of*

*Elizabeth*, 44 N. J. Law, 571.

<sup>2</sup> Temporary loans shall not exceed anticipated assessments, taxes and license fees. Act of April 6, 1889, Gen. Stat. 757, section 1424.

property within the said city, and the receiver of taxes of the city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required to be assessed and collected for the use of the city, and for the support of the schools of the city, and do all acts in reference thereto in the same manner, and within the same time, except as hereinafter otherwise provided, as the assessors and collectors of the townships of the county of Camden are by law required to assess and collect the state and county taxes in their respective townships, subject (except as hereinafter otherwise provided) to the special provisions of the act entitled, "An act to provide for the assessment and collection of taxes in the counties of Camden and Gloucester," approved March fourth, eighteen hundred and forty-seven.<sup>1</sup>

Duties of commissioners of appeal.

56. And be it enacted, That the commissioners of appeal in case of taxation, in and for the several wards of the said city of Camden, shall, for the purpose of performing the duties of their office, meet annually at such places in their respective wards as the city council shall appoint, and in case the city council shall neglect to appoint a place, then at the place where the last annual election was held in said ward, on the first Monday of July (except when the same shall happen on the fourth day of July, in which case they shall meet on the following day,) at the hour of ten o'clock in the forenoon, and on the second Monday of September, at the hour of ten o'clock in the forenoon.<sup>2</sup>

Duties of commissioners of appeal, first meeting.

57. And be it enacted, That at their first meeting as aforesaid, in July in each year, it shall be the duty of the said commissioners to examine and consider, and if agreeable to the principles of justice, alter and amend in respect to amount or valuation, any assessment which may be appealed from, or which may appear to them to be incorrect in either of these respects; it shall be the duty of the assessor of said ward to attend at the same time and place, before the said commissioners, and offer such reason as he may think proper, in support of the amount and valuation of property, made in his assessment, and the judgment of said commissioners on any appeal, upon either of these

<sup>1</sup> Superseded by act for assessment and collection of taxes, P. L. 1903, p. 394.

<sup>2</sup> See note 1 to section 55.



points, shall be final and conclusive, and shall be rendered to the assessor within two days after hearing such appeal, and the said assessor shall proceed at once to make the amount and valuation of property upon his assessment list, in all cases, conform to the judgment and directions of the said commissioners, and no alteration in the amount or valuation of any property assessed, shall be afterwards made by the authority of said commissioners.<sup>1</sup>

58. And be it enacted, That at their second meeting, as aforesaid, in September, the said commissioners shall meet to discharge all the duties of their said office according to law, upon all questions arising upon the assessments of taxes in said ward, except in respect to the amount or valuation of the property assessed, and the powers, duties, obligations and proceedings of said commissioners shall be the same, except as herein otherwise provided, as the powers, duties, obligations and proceedings of the commissioners of appeal in the cases of taxation in the various townships in the county of Camden.<sup>2</sup>

59. And be it enacted, That the assessor of every ward of the said city of Camden,<sup>3</sup> shall, on or before the last Monday in June, in each year, give notice to each individual residing in his ward on whom a tax, by reason or in respect of any property is to be assessed, of the amount and valuation of the property for which the assessment is to be made; which said notice shall contain, as near as conveniently may be, the particulars of such valuation and amount; and also a notice of the time and place of the first meeting as aforesaid of the commissioners of appeal in cases of taxation, and shall be served on such individual personally, or by notice left at his or her place of residence, and the said assessor shall also give public notice on or before the twentieth day of June, in each year, of the time and place of the first meeting, as aforesaid, of the said commissioners of appeal, by advertisement set up in at least four of the most public places in the ward.

60. And be it enacted, That the receiver of taxes of the said city of Camden shall do and perform all the same acts of taxes.

<sup>1</sup> See note 1 to section 55.

<sup>3</sup> Now Commissioners of Assessment of Taxes under act of April 3, 1889. Gen. Stat. p. 3426, section 650.

<sup>2</sup> See note 1 to section 55.

and duties in connection with, or relating to the commissioners of appeal in cases of taxation of the several wards of the city of Camden, and their meetings as aforesaid, on the second Monday of September in each year, which are by law prescribed to be done by the collectors of the townships of the county of Camden, in connection with, or relating to the commissioners of appeal in cases of taxation, and their annual meetings in their several townships respectively; and the duties and obligations of all other officers and persons in connection with, or relating to the said commissioners of appeal of the several wards, and their meetings as aforesaid, on the second Monday of September in each year, shall be the same as they now are, except where herein otherwise provided.

Duties of assessors.

61. And be it enacted, That it shall be the duty of the assessors of the different wards of said city,<sup>1</sup> created by this act, when any money is ordered to be raised by virtue of this act for the city, or for school purposes, to meet at the court house in said city, or at such other places in the said city as the city council shall appoint, at ten o'clock in the forenoon, on the Tuesday following the day fixed for the meeting of the board of assessors of the county of Camden, each year, and at such meeting to furnish full, true and accurate abstracts, under oath or affirmation, from their respective tax books, of all lands, tenements and real estate by them assessed, and all chattels, effects, estates and property so by them respectively made, as are required by law to be made and rated, and to estimate and rate the property so by them made and furnished, and to fix the amount or proportion of tax to be levied and collected thereon, and to adjust and fix the rate per dollar for city purposes, and the rate per dollar for school purposes, to be levied and collected on the lands, tenements, and real estate and property as aforesaid, and to ascertain the proportion or quota of tax for city and school purposes to be levied and collected in each ward of said city and submit the same to the finance committee of the city council for their approval; and the assessors of said city shall, within thirty days after such meeting as aforesaid, deliver to the receiver of taxes of the said city, the tax book or assessment by them so made, respectively, or a true transcript or duplicate thereof, which shall be preserved by said receiver of taxes, in his office, as a

<sup>1</sup> See note 1 to section 59.

matter of reference for those who desire to examine the same.

62. And be it enacted, That the receiver of taxes of said city, in making the demand of the tax or sum assessed, and giving the notice required to be made and given by the laws of this state, shall at the same time also state the amount of tax assessed and levied on the real estate, and the amount of tax assessed and levied on the personal estate, for state purposes, for county purposes, for city purposes, and for school purposes, respectively.

Receiver of  
taxes to state  
amount levied  
for personal  
estate and real  
estate.

63. And be it enacted, That from and after the passage of this act, it shall be the duty of the assessor of each ward in said city, in assessing and raising the state, county, city and school tax, which may be from time to time ordered to be assessed and raised in the said city, to estimate and rate all the lands, tenements and real estate lying and being in the said city, according to its value at the time of making the assessment; for the purpose of ascertaining what may be the true and real value of the different lots, tracts and pieces of land and tenements, lying and being in said city as aforesaid, the city council may appoint from time to time, and as often as they shall think proper, but at least once in every three years, one or more fit and judicious freeholders residing in the said city and acquainted with the value of real estate therein, to accompany each of the assessors of the different wards to assist them to value and estimate the real estate as aforesaid, which said person or persons so as aforesaid appointed, before he or they proceed to execute the duties of his or their appointment, shall repair to either the mayor, recorder, or one of the aldermen of said city, or to one of the justices of the peace, who are hereby fully empowered to administer the same, and take and subscribe an oath or affirmation, truly, fairly and impartially, and according to the best of his or their judgment and belief, to value and estimate the same.

Assessors to  
value property at  
its value at the  
time of making  
the assessment.  
Council to ap-  
point freeholders  
to go with the  
assessors.

64. And be it enacted, That it shall be the duty of the assessor and receiver of taxes of the said city, to keep the amount of tax assessed against each lot or tract of land belonging to any individual, separate and distinct from the other tax which may be assessed against his personal or other property, and to make out and return the amount due on each lot or tract of land, premises, and the street

Assessors and  
receiver of taxes  
to return the  
amount against  
lots and tracts of  
land.  
Council to cause  
property to be  
sold.

or streets, alley or alleys, whereon the said lot, tract or piece of land and premises is situated, with a short description of the same, and the owner or owners names, and the taxes and assessments which shall be made upon any such real estate in said city, by virtue of this act, whether the same be state, county, city or school tax, shall be and remain a lien thereon for the space of five years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage or other incumbrances thereon, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the city council to cause the lands, tenements and real estate, or such part thereof as they may think proper, to be sold at public auction, for the shortest time, not to exceed one hundred years for unimproved property, and fifty years for improved property, for which any person or persons will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, including justices' and constables' fees, cost of advertising, selling and executing the deeds, and to make and execute, under the seal of said city, a declaration of such sale, and deliver the same to the purchaser or purchasers,<sup>1</sup> and such purchaser or purchasers, his, her or their executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy said lands, tenements or real estate, for his, her or their own use, against the owner or owners thereof, and all persons claiming under him, her or them, until his, her or their said term shall be completed and ended, and shall be at liberty at or before the end of his, her or their term, to remove the building and materials erected and placed by him, her or them thereon, taking care to leave the same in as good order and condition as the said premises were when they came into his, her or their possession.<sup>2</sup>

<sup>1</sup> A certificate of tax sale to be operative to continue the lien of taxes, must be made before the expiration of the period for which taxes are a lien. *In re Commissioners of Elizabeth*, 49 N. J. Law, 488.

<sup>2</sup> This section enacting that it shall and may be lawful for the City Coun-

cil to sell lands of delinquents for taxes, is mandatory not discretionary, the power to sell must be exercised. *Hugg vs. Camden*, 39 N. J. Law, 620.

The act for the assessment and collection of taxes, approved April 8, 1903, P. L. 1903, p. 394, supersedes this section.

65. And be it enacted, That the said city council, before they shall proceed to sell any lands, tenements or real estate, for the payment of taxes as aforesaid, shall cause such sale to be advertised at least once a week for eight weeks successively, in at least two public newspapers printed and published in said city; and also by advertisements put up in at least ten public places in said city, which advertisements shall mention the street or streets on which the said property is situated, the amount of tax due, and the owner's or reputed owner's name; and the said lands, tenements or real estate so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money with interest at the rate of twelve per cent. per annum, to be computed from the day of sale, and all the expenses and charges necessarily incurred thereon by the purchaser or purchasers as aforesaid, and in case the same shall be redeemed as hereinbefore provided by the mortgagee or mortgagees; or if the said mortgagee or mortgagees shall have paid the tax or assessment, with the interest and cost thereon, to prevent the said premises from being sold to pay the same, then and in that case, the whole amount of the payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner in all respects as if the same were included in, and intended to be secured by, the said mortgage, and any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or real estate in assessing the taxes thereon, shall not invalidate the said assessment, or the sale of said real estate as aforesaid.<sup>1</sup>

Council to give  
notice before  
selling property  
for taxes.  
May be redeemed.

66. And be it enacted, That whenever, in said city, any tax shall remain unpaid, and be returned by the receiver of taxes of said city for want of payment, the same shall bear an interest at the rate of twelve per centum per annum from the day on which the same shall be so returned, until paid, and it shall be the duty of said receiver of taxes to charge, receive and collect, in addition to the amount of tax, the interest thereon as aforesaid, and such interest shall be paid over and accounted for by the said

Unpaid taxes to  
bear interest at 12  
per centum per  
annum.

<sup>1</sup> The act for the assessment and collection of taxes, approved April 8, 1903, P. L. 1903, p. 394, supersedes this section.

receiver of taxes, to the treasurer of said city, as a part of the tax collected by him.<sup>1</sup>

Taxes paid before Oct. 1st, 5 per cent. to be deducted.

67. And be it enacted, That on all taxes assessed and paid before the first day of October next after such assessment, the receiver of taxes shall deduct therefrom a discount of five per centum.<sup>2</sup>

Receiver of taxes to make out a list of delinquents and deliver the same to such justice as council shall appoint.

68. And be it enacted, That in case of non-payment of taxes at the time appointed for the payment thereof, it shall be the duty of the receiver of taxes to make out a list of the names of all the delinquents in the several wards, with the sums due from them respectively thereunto annexed, and deliver the same to such justice of the peace in said city as the city council may from time to time appoint, on the twentieth day of October in every year, except when that day shall happen on Sunday, and then on the next day following, and that it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof, to administer to the receiver of taxes returning the same the oath prescribed by the thirteenth section of the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six, and to issue his warrant as required by law, directed to the receiver of taxes of the city of Camden, and thereby command the said receiver of taxes to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees to be levied and made as prescribed by the eighteenth section of the said act entitled "An act concerning taxes."<sup>3</sup>

Receiver and deputy to execute all warrants.

69. And be it enacted, That it shall be the duty of the said receiver of taxes, in person or by deputy, to execute according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement

<sup>1</sup> The act for the assessment and collection of taxes, approved April 8, 1903, P. L. 1903, p. 394, supersedes this section.

<sup>2</sup> The act for the assessment and collection of taxes, approved April 8, 1903,

P. L. 1903, p. 394, supersedes this section.

<sup>3</sup> The act for the assessment and collection of taxes, approved April 8, 1903, P. L. 1903, p. 394, supersedes this section.

in writing to the city council of the said city of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums remaining unpaid, and the names of the several persons then in arrears, and the sums due from each respectively; provided, that it shall be lawful for the justice who issued such warrants, or in case of his death, removal from office, or other disability, for any other justice of the peace residing in said city to be appointed by the city council, upon return of any warrant, to issue another for the collection of the sum or sums remaining unpaid, with the interest, costs and fees in like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected.<sup>1</sup>

70. And be it enacted, That on or before the first day of March in each and every year, the city council shall direct and authorize the city solicitor to proceed and sell according to law all lands, tenements and real estate, to enforce the payment of any taxes or assessments which may be a lien thereon by virtue of this act.<sup>2</sup>

71. And be it enacted, That the city council shall have power by ordinance, at their discretion, to cause a city map or atlas to be made and established, containing the descriptions of all or such of the lots of land and premises in the city as the said council shall by ordinance provide, with numbers and such boundaries as may be necessary to distinguish the lots on said map or atlas, and may provide for the proper filing, binding, regulation and preservation of said map or atlas, and the alteration of the same from time to time, and also, when they think proper, that lots sold for taxes or assessments, as hereinafter provided, may be described and designated by their numbers and descriptions on said map or atlas, and when the city council shall so provide the numbers and descriptions on said map or atlas and the names of persons there marked as owners of any lot shall be a sufficient description and designation of said lot, and owner or owners, to answer the requirements

<sup>1</sup> The act for the assessment and collection of taxes, approved April 8, 1903, P. L. 1903, p. 394, supersedes this section.

fixing the time for sale of lands for taxes, that valid sales may be made after the time fixed, yet the statute should be obeyed and the duty performed at the time specified. *Hugg vs. Camden*, 39 N. J. Law, 620.

<sup>2</sup> This section is so far directory in

of the law providing for a description of the lot sold, with the name of the owner or owners.

Compensation of assessors.

72. And be it enacted, That it shall be lawful for the city council to allow the assessors of said city such extra compensation for their services in assessing the taxes as they shall think reasonable and just.<sup>1</sup>

Receiver of taxes to record the names of the owners of property sold for tax.

73. And be it enacted, That the receiver of taxes of the city of Camden, shall, on or before the first day of September, in each and every year, record in well bound books, to be provided for that purpose, the name of any owner or reputed owner of any lots, tracts, or pieces of land, which shall be sold after the passage of this act by the said city, to enforce the payment of any lien, by reason of any tax assessed, assessment made, or otherwise created by virtue of this act, with a short description of the lots, tracts or pieces of land so sold, the street or streets, alley or alleys, whereon they are situated, when the same were sold, to whom, for what amount, and the length of time for which they were sold; said books shall be carefully preserved by the receiver of taxes, at his office, and every person shall have free and common access thereto at proper seasons, and shall be entitled to transcripts from the same to be made out and certified by the receiver of taxes, on the payment of such fees as the city council by ordinance shall direct.

Receiver of taxes to record names of delinquents.

74. And be it enacted, That the receiver of taxes shall, on or before the first day of April, in each and every year, record alphabetically, in well bound books to be provided for that purpose, the names of all the delinquent taxpayers in each ward respectively, to whom any lots, tracts or pieces of land or real estate shall have been assessed for the preceding year, together with a short description of said lots, tracts or pieces of land, the street or streets, alley or alleys, whereon they are situated, the amounts of taxes which are liens thereon respectively, and the year for which said assessment was made; said books shall be carefully preserved and kept by the receiver of taxes at his office, and every person shall have free and common access

<sup>1</sup> City Council may increase the annual salary of the Commissioners of Assessment of Taxes to an amount not

exceeding \$1,500, under act of April 15, 1890, P. L. 1890, p. 260.



thereto at proper seasons, and shall be entitled to transcripts from the same, to be made out and certified by the receiver of taxes on the payment of such fees as the city council by ordinance shall direct;<sup>1</sup> and it shall be the duty of the receiver of taxes, upon the receipt of the taxes, interests, and costs which may be a lien upon said lot or lots so recorded, briefly to note in the margin of said record that all liens for tax on said lot or lots for said year are fully paid and satisfied, to which marginal notice said receiver of taxes shall sign his name.

75. And be it enacted, That if any person or persons, body politic or corporate, shall be assessed at too low a rate, or be omitted in the assessment, it shall be lawful, upon complaint made, for the commissioners of appeal in cases of taxation, after five days' notice in writing, to the party interested, by the party complaining, and after due examination of the facts and consideration of the case, to make such addition to the assessment as shall be agreeable to the principles of justice; and the judgment of the said commissioners shall be final and conclusive, and shall be rendered within ten days after the making of said complaint.

## TITLE VI.

### OF STREETS, HIGHWAYS, SEWERS, CULVERTS, DRAINS, SIDEWALKS, AND ASSESSMENTS THEREFOR.

76. And be it enacted, That the city council shall have exclusive control over the highways, roads, streets and alleys of said city, and shall have power to compel the owners of real estate in said city, or in such parts thereof as they by ordinance shall direct, to grade, pave, flag or curb

<sup>1</sup> A municipal charter provided that the City Clerk should keep a complete record of all taxes and assessments, which were further ordered to be a lien on the premises covered until paid. The appellant applied to the City Clerk for a certificate of the amount of taxes and assessments on a designated lot he was about to buy, which was furnished him, under the seal of the city, by the Clerk,

who was paid a fee therefor. Appellant bought the lot, and afterwards discovered that two assessments and the tax for one year had been omitted from the certificate. Held, that the city was not responsible for the misfeasance of the Clerk, and consequently could not be restrained from enforcing the liens. *Muller vs. Bayonne*, 45 N. J. Equity, 237.

the same, and the sidewalks and gutters thereof, or repair the same, or any of them, or any part or sections of the same along and opposite to such owner or owners of property; and whenever a majority in value of the landholders along any said highway, road, street or alley, or of any part of such highway, road, street or alley, shall desire any street, highway, road or alley, or any part or sections of the same to be graded, paved, macadamized or otherwise permanently improved, the city council, on the petition of the said owners of real estate on said street, or in the absence of such application or petition whenever thirty freeholders residing in any ward of said city shall desire any street, highway, road or alley in said ward, or any parts or sections of the same, to be graded, paved, macadamized, or otherwise permanently improved, the city council may order and direct the same to be done, and may appoint one or more discreet and skilful persons to superintend the said work, and prescribe the manner in which the same shall be performed, and shall have power to enforce such ordinances and regulations concerning the same by enacting fines or penalties for not complying therewith; provided, that no ordinance for the purpose mentioned in this section shall be finally passed by said city council until the petition upon which the same is founded shall have been presented at a regular meeting, and then published in full in two newspapers published and circulating in the city of Camden, at least three weeks once a week before the time of such passage;<sup>1</sup> provided further, that the corporate privileges and powers of the several turnpike companies within the limits of the said city shall not be interfered [with] by said city council, without the consent of said turnpike companies.<sup>2</sup>

Proviso.

<sup>1</sup> When the law requires a notice to be advertised, before an ordinance can be passed, it must appear on the face of the ordinance itself, or in the official record of the proceedings, that such notice was advertised; otherwise the ordinance will be set aside. *State, Pope, Pros. vs. Town of Union*, 32 N. J. Law, 343. This section is unconstitutional so far as it attempts to impose the whole cost of street paving upon abutting property owners. *Borton vs. Camden*, 65 N. J. Law, 511.

tion over a turnpike road, constructed within the limits of the city, for the purpose of regulating, grading and paving it; but has no right to regulate and grade it so as to injure the Turnpike Company or to interfere with their chartered rights; for police purposes it has authority to make such municipal regulations as it may deem expedient. Where adjoining property owners are required to pave said turnpike, they cannot complain that the rights of the Turnpike Company are infringed. *State vs. New Brunswick*, 30 N. J. Law, 395.

<sup>2</sup> An incorporated city has jurisdic-

77. And be it enacted, That in case any owner or owners of any real estate in said city as aforesaid shall refuse and neglect to comply with the ordinances, in the last section above mentioned, and shall not grade, pave, flag or curb the street, alléy or sidewalk thereof, or grade or repair the same as may be by said ordinance directed, and in the manner prescribed, for the space of thirty days from the time when the same is required to be done, it shall be lawful for the city council to cause the same to be done and paid for out of any moneys in the hands of the treasurer of the city; and when so done they shall cause a particular statement and account of the costs or expense of doing said work to be filed with the clerk of said city; and the costs or expenses of performing the said work, as aforesaid, shall remain a lien upon the real estate as aforesaid, from the time of performing the said work until paid and satisfied,<sup>1</sup> and the said city council may at their option

Power of council  
to compel owners  
to improve  
streets.

<sup>1</sup> Misconstruction or malconstruction of a public work, arising from the incapacity, mistake or fraud of a contractor, will not invalidate the assessment, or relieve the parties assessed from the obligation to pay it. *State vs. Jersey City*, 29 N. J. Law, 441.

An act respecting assessments in cities approved April 21, 1876, Gen. Stat., p. 681, section 1070, provided a method of assessment of benefits for all cities, but did not become operative in the City of Camden until the act of April 12, 1886, Gen. Stat. 574, section 563, which latter act provided for the appointment of Commissioners to assess benefits in any city whose charter did not make provision for the appointment of such Commissioners. The act of April 21, 1876, superseded section 77, but was not operative until the passage of the act of April 12, 1886. *Borton vs. Camden*, 65 N. J. Law, 511. The act of March 12, 1886, was amended by act of May 3, 1906, P. L. 1906, p. 390. The act of March 23, 1883, P. L. 1883, p. 196, provides for reassessments, where former assessment has been vacated in part.

The report of the assessors must show affirmatively that they have assessed all the lands benefited in proportion to, but not in excess of, the special and pe-

culiar benefits actually received. *State, Kilburn, pros. vs. Essex Public Road Board*, 37 N. J. Law, 274.

Where an assessment for paving a street, made according to frontage, was set aside, and a new assessment was made upon each land owner's frontage, substantially like the first assessment in amount, it was held that the presumption arising from these facts that the imposition was according to frontage, and not in proportion to benefits, was overcome by the sworn certificate of the Commissioners to the contrary. *Johnston vs. Trenton*, 43 N. J. Law, 166. An assessment for benefits for street improvements, based upon the frontage of the property on the line of the street improved, and when the depth of the lots assessed is not in all cases uniform, is not erroneous unless it appears by the evidence that the benefits have not been fairly and justly assessed among those benefited thereby. *Long Branch Commission vs. Dobbins*, 61 N. J. Law, 659. The special and peculiar benefit which shall legalize an assessment for a local improvement, must be a present benefit immediately accruing from the construction of the work in question, the test of which is the influence of the proposed improvement on the present market value of the property. *State,*

sue for and recover the amount so paid as aforesaid from the owner or owners of such real estate, or his, her or their legal representatives, with interest and cost of suit, in any court of this state having cognizance thereof, in an action

N. J. R. R. & T. Co., pros., vs. Elizabeth, 37 N. J. Law, 334; State, Foster Home Society, pros., vs. Newark, 35 N. J. Law, 166; State, Morris and Essex R. R. Co., pros., vs. Jersey City, 36 N. J. Law, 58. In the case of churches and lands which can only be used for a cemetery, a different rule has been laid down. In the case of an assessment upon church property for the improvement of Nassau street, in New York City, it was held that "as the church property is not, nor is likely soon to be, either appropriated to renting or exposed to sale but is devoted exclusively to religious purposes, the benefit resulting to it, by the improvement of Nassau street, must be small in comparison with that of other property, and it, therefore, ought not to contribute in the like proportion." See case entitled *In the Matter of the Mayor, etc., of New York City*, 11 Johns. R 77. See, also, case entitled *In the Matter of Albany Street*, 11 Wend. 150. See, also, *State, Foster Home Society, pros., vs. Newark*, 35 N. J. Law, 157; *State, Morris and Essex R. R. Co., pros., vs. Jersey City*, 36 N. J. Law, 59. Property owned by a municipal corporation, and used for public purposes, is not subject to assessment for benefits in the absence of language in the statute indicating an intention to tax it. *Green vs. Hotaling*, 44 N. J. Law, 347; *Trustees of Public Schools vs. Trenton*, 30 N. J. Equity, 681.

A sidewalk has always, in the laws and usages of this State, been regarded as an appendage to and a part of the premises to which it is attached, and is so essential to the beneficial use of such premises that its improvement may well be regarded as a burden belonging to the owners of the land, and the order or requisition for such improvement as a police regulation. It is on this ground quite legitimate to direct a sidewalk to be put in order at the sole expense of

the owner of the property to which it is subservient and indispensable. *State, Agens, pros., vs. Newark*, 37 N. J. Law, 423.

Flagging sidewalks may be assessed on the principle of frontage, incidental grading for the mere purpose of flagging, may be included, but not the substantial grading of any part of the street, although included in the sidewalk. *State, vs. Jersey City*, 37 N. J. Law, 128.

The cost of grading, flagging, paving or curbing those portions of a sidewalk contained in the angles at the intersections of streets cannot be assessed in proportion to frontage. Such portions of a sidewalk cannot be treated as an appendage to lands in the sense that a sidewalk in front of a lot is said to be, for the purpose of assessing its cost. Thirty-seven lineal feet of sidewalk cannot lie in front of a lot twenty-five feet wide, and the additional twelve feet of intersection should not be chargeable on the corner lot. Nor can the cost of crosswalks be assessed upon lots facing the street, in proportion to frontage. *State, Cronin, pros., vs. Jersey City*, 38 N. J. Law, 416. Nor can the cost of making and paving gutters be so assessed when such gutters form a part of the roadway and are constructed for its use. *Kirkpatrick vs. Commissioners*, 42 N. J. Law, 512. When, however, the road-bed of the street is unpaved, and a gutter is necessary for the security of the sidewalk, in such case the gutter becomes an appendage of the sidewalk, and the expense of laying it may be properly included in the expense of constructing the sidewalk. *Robius vs. New Brunswick*, 44 N. J. Law, 117. An ordinance requiring work to be done at the expense of the property owners must be unambiguous as to what is so required. *Locker vs. South Amboy*, 62 N. J. Law, 197.

on the case in the name of "the treasurer of the city of Camden," without specifying the individual name of the treasurer for the time being, for so much money by them paid, laid out, and expended to and for the use of such owner or owners, or his or their legal representatives; and in every such action the said statement or account filed as aforesaid, with the proof of the amount paid, shall be conclusive evidence for the plaintiff; or cause the said real estate, or such part thereof as they think proper, to be advertised and sold for the shortest period of time that any person or persons will purchase the same, and pay the said amount with interest and all the costs and expenses of publishing notice, advertising, selling and making a deed, and when sold, to execute under the seal of the city, a declaration of such sale to purchaser or purchasers as aforesaid, in the same manner and under the same regulations and restrictions, and with the like effects in all particulars, and with the same privileges to the owner or owners, the mortgagee or mortgagees to redeem as is enacted and provided for selling land and real estate for the payment of the taxes due thereon by this act;<sup>1</sup> provided, <sup>Proviso.</sup> that if any owner or owners of lots or real estate shall not reside in the city at the time when the said work is required to be done, then it shall be the duty of the city council, before they shall proceed to do or have the same done, to cause a notice to be inserted in at least two of the newspapers of said city, and published for four weeks therein at least once a week, setting forth the name or names of the owner or owners, or reputed owners thereof, the street, whereon the property is situate, and that unless the said owner or owners shall comply with such ordinance and perform the said work within four weeks from the date of said notice, the city council will cause the same to be done at his, her or their expense, as the case shall be; provided, also, that nothing in this section contained shall be construed to affect any fines or penalties enacted for <sup>Proviso.</sup> violating any such ordinance in the last section above provided.

78. And be it enacted, That if the tenant of any lot or house, or real estate whatever, within the said city, shall cause the street, alley or sidewalks thereon, in front of such property, to be graded, paved, flagged, or curbed, in <sup>Tenants have power to pay for improvements on owners property.</sup>

<sup>1</sup> See act for the assessment and collection of taxes P. L. 1903, p. 394.

obedience to such ordinance or regulation, at his or her individual expense, or shall pay the amount thereof, with the interest and costs that shall have accrued thereon, to the treasurer of the said city, when the city council shall have performed the work as aforesaid, it shall and may be lawful for him or her to deduct the same out of the rent, or to sue for and recover the same from the landlord or owner, or his or her legal representatives, with interest and costs, in an action on the case, in any court of this state having cognizance thereof, for so much money by him or her paid, laid out and expended to and for his, her or their use, as the case is; provided, that nothing in this section shall affect any contracts or agreements made, or to be made, between landlord and tenant respecting such charges or expenses.

Proviso.

Council to lay out streets, roads, &c.; appointment of commissioners to lay out streets.

79. And be it enacted, That it shall be lawful for the said city council to lay out and open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city to be vacated, opened, altered, widened, whenever and so often as they shall judge the public good requires the same to be done;<sup>1</sup> and the said city council shall give notice to the owner or owners of any lands or real estate, with the appurtenances necessary to be taken for either of said purposes, or to his, her or their agents or legal representatives, for [of] their intentions to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same, and if any such person or persons shall refuse to treat for any such land or real estate with the appurtenances, or the city council cannot agree with such person or persons for the same, then it shall be lawful for the city council to appoint nine disinterested freeholders of the said city, at least one from each ward, commissioners to make an estimate and assessment of the damage that any such owner or owners will sustain by laying out, altering or widening any such

<sup>1</sup> This section does not give power to assess damages for change of grade. The power to appoint Commissioners to assess such damages is conferred on Council by act passed in 1858, Gen.

Stat. 2820, section 70, and act passed in 1889, P. L. 1889, p. 378, *Manufacturers' Land and Improvement Company vs. Camden*, 71 N. J. Law, 490. See, also, act of May 3, 1906, P. L. 1906, p. 390.

street, road, highway or alley;<sup>1</sup> and in estimating and assessing such damages the said commissioners shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering or widening any such street, road, highway or alley;<sup>2</sup> provided always, that nothing in this act shall be construed to authorize the said city council to take and appropriate any graveyard, burying ground or place used for burying the dead, for streets, roads, highways, or alleys, without the consent of all the owners or proprietors thereof.<sup>3</sup>

Proviso.

80. And be it enacted, That in case the owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering, or widening any street, road, highway or alley in the said city, shall be non compos mentis, or out of the State, or cannot be ascertained on reasonable inquiry, and no agents or legal representatives of such owner can, on like inquiry, be found in this State, then it shall be lawful for the city council of said city to proceed to the appointment of the commissioners men-

Notice to be given when any street is to be laid out.

<sup>1</sup> Objections to the manner of appointing Commissioners to conduct a public improvement and make an assessment therefor, will not be entertained after they have completed the work. In reviewing the assessment made by such commissioners the jurisdiction of the body that appointed them, their own judicial qualifications to act, and the manner in which they have exercised their functions, are open to inquiry. *State vs. Clinton*, 39 N. J. Law, 656.

<sup>2</sup> A power delegated by the Legislature to a municipal corporation to take private property for public use must be strictly pursued. *State vs. Jersey City*, 25 N. J. Law, 309. In making an assessment according to benefits it is not sufficient to assess each lot according to its frontage. The Commissioners must exercise their judgment as to the amount of benefit each lot receives, and must assess the property accordingly and the report must show that the assessment has been so made. *State vs. City of Hudson*, 29 N. J. Law, 104; *State vs. Paterson*, 36 N. J. Law, 159; *State vs. Jersey City*, 37 N. J. Law, 128.

Where bonds have been sold by a city to raise money in anticipation of a street improvement and the proceeds in the mean-time have been used for other purposes, it is not lawful to include interest during that time in the estimate of the expense of the improvement to be assessed on the land owners. If bonds have been sold by legislative authority at less than par the discount can be included in the estimates. *State vs. Elizabeth*, 37 N. J. Law, 142.

A property owner who waits without objection until improvements are completed cannot then question the validity of the ordinances and contract under which the improvements were made. *Rosell vs. Neptune City*, 68, N. J. Law, 509.

On the opening of a street no assessment of damages will be made to the owner of lands already dedicated. *Clark vs. Elizabeth*, 37 N. J. Law, 120.

<sup>3</sup> This section is amended by section 8, of the supplement to the charter of the city of Camden, approved February 14, 1871.

tioned and provided for in the last preceding section of this act, after publishing in at least two of the newspapers published in said city, for the space of four weeks, at least once in each week, a notice of the intention of the city council to take such land or real estate and appropriate it for such street, road, highway or alley.

Commissioners to  
qualify.

81. And be it enacted, That the said commissioners, before they enter upon the execution of the duties required of them, shall be sworn or affirmed before the mayor, recorder, or one of the aldermen of said city, to make the estimate and assessment submitted to them, fairly and impartially, according to the best of their skill and judgment.

Council to give  
notice of commis-  
sioners meeting.

82. And be it enacted, That the city council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in eight public places in said city; one whereof shall be in each of the wards of said city, at least twenty days before the time of meeting, which advertisement shall specify the street, road, highway or alley proposed to be laid out, altered, or widened, the alterations proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes, and also cause a written notice to be served upon each of the owners who reside in said city, or whose place of residence is known;<sup>1</sup> and if the place of residence of any such owner that is known, be not in the city of Camden, that a notice placed in the post office, directed to him or her, at his or her place of residence, shall be a sufficient notice, and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of said city, and the same being ratified by the city council, shall be binding and conclusive upon the

<sup>1</sup> Where the charter of a city requires notice of a proposition to make improvements, such notice must be given. *State vs. Perth Amboy*, 29 N. J. Law, 259. Want of notice of the passage of an ordinance for improvements cannot

be taken advantage of after the work is completed and paid for by the city, where it is probable that the prosecutors were aware of the inception and progress of the work. *State vs. Pater-son*, 36 N. J. Law, 159.



owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land, or other real estate, with the appurtenances, to be converted and used for the purposes aforesaid; provided, however, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the city council or the said commissioners may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the city council; and the said supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

83. And be it enacted, That in case of non-payment on demand of any damages assessed as aforesaid, with interest from the date of assessment, in case of no appeal to the supreme court aforesaid, the person or persons entitled thereto may sue for and recover the same from the city of Camden in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the commissioners and city council, or award of said jury, shall be conclusive evidence against the defendants.<sup>1</sup>

84. And be it enacted, That the said city council shall have power, and may from time to time, cause the said city, or such parts thereof as they may think proper, to be surveyed and mapped, and may survey and make maps of all such roads, streets, alleys, and public passageways as have been dedicated to the public, as they shall think proper; and all such streets, roads, alleys and ways, when surveyed, and such surveys approved by the city council and filed, shall be deemed and taken to be public streets or highways, and be treated as such in all respects;<sup>2</sup> also,

<sup>1</sup> Where damages for opening streets were to be assessed in an appointed manner, suit will not lie in favor of a land owner injured by the alteration of a grade, for the amount of the damage thus sustained, no assessment having been made in the prescribed manner. Nor will suit lie for the omission of the Common Council to have such as-

essment made. The remedy is by mandamus. *Roeck vs. Mayor and Common Council of Newark*, 33 N. J. Law, 129.

<sup>2</sup> Council cannot delegate to the Street Commissioner the power of ascertaining the boundaries of streets where they are in doubt. *State vs. Trenton*, 36 N. J. Law, 198.

to cause to be made within said city, surveys and maps of the said city, or any part thereof, which has not yet been laid off or run out into streets, and to determine where the streets and thoroughfares shall run, and to mark the lines, and establish the grades thereof, which said lines and grades so established, and the surveys and maps made thereof, and approved by the city council, shall be binding upon the owner or owners of said land or real estate so surveyed and mapped as aforesaid; and whenever the owner or owners thereof see proper to open streets, and lay out his, her, or their property in lots, he, she, or they shall open streets or thoroughfares as they shall have been laid out, surveyed and marked, and according to the lines and grades established as aforesaid, and the said streets and thoroughfares, when so opened by the owner or owners thereof, shall be public streets and highways, and shall be treated as such in all respects.

Council to regulate by ordinance the opening into streets.

85. And be it enacted, That the city council shall have power to regulate by ordinance in what manner individuals and corporations shall make openings into the sewers or culverts, and to enact fines and penalties for injuries done to the same.<sup>1</sup>

Wards to be divided into culvert districts.

86. And be it enacted, That each ward of said city be and the same is hereby constituted a district for the purpose of underground or surface drainage.

Underground drains to be constructed, when and how.

87. And be it enacted, That when ten or more owners of real estate in any one of said districts shall, by petition, ask the said city council to cause an underground drain or culvert to be constructed along any one or more of the streets or highways of said city, or parts thereof, within said district, then it shall be lawful for said city council, at its discretion, by ordinance, to direct the construction of such drain or any part thereof, of such dimensions, of such material, in such manner, and under such supervision as the said city council may deem fit and proper for the objects petitioned for, but in no case shall any drain be constructed beyond the limits mentioned in the petition, and no ordinance shall be finally passed by said city council until the petition upon which the same is founded shall

<sup>1</sup>The control of sewer connections is now lodged with the Board of Health under act of March 29, 1892, Gen. Stat. p. 1644, section 49, Sub. Div. XI.

have been published in full in two newspapers, published and circulating in the city of Camden, at least three weeks, once a week, before the time of such passage.<sup>1</sup>

88. And be it enacted, That the whole costs and ex-  
penses of such drain or culvert shall be assessed upon all Cost and expenses of drains, assessed how.  
the lands within such district in proportion to surface or  
area, including the lands occupied by streets or highways,  
but excluding such lands as lie more than two hundred  
feet distant from any street or highway,<sup>2</sup> and also exclud-  
ing such lands west of Second street as may be covered by  
the waters of the river Delaware at ordinary high water;  
the proportion occupied by streets or highways being  
chargeable to the city of Camden; provided, that in all Proviso.  
cases where any property north of the middle line of  
Bridge avenue and the middle line of the Camden and  
Amboy railroad shall have paid the cost of a culvert con-  
structed in the street along the front of said property, or  
any part thereof, the same shall be exempt from any  
culvert tax, except when such culvert shall be constructed  
in a street along such property or some part thereof.<sup>3</sup>

89. And be it enacted, That an account of the costs and An account of the costs and ex-  
pense of drains.  
expenses of any such drain or culvert, showing the propor-  
tion for which each owner of property and the city (on  
account of streets) is liable, shall be filed in the office of  
the clerk of said city within twenty days after the comple-  
tion of the same, and such proportion of said costs and  
expenses shall be a lien on the lands charged therewith  
from the time the work is completed until the same be paid  
and satisfied.<sup>4</sup>

90. And be it enacted, That the city council may order Council may or-  
der said work to  
be paid.  
the whole or any part of said costs and expenses to be

<sup>1</sup> The acts of March 8, 1882, Gen. Stat. 605, section 715, et seq., and April 28, 1887, Gen. Stat. 689, section 1094, supersede sections 87, 88, 89 and 90. Central Land Company vs. Bayonne, 56 N. J. Law, 299.

<sup>2</sup> Lands are not assessable for the increase of healthfulness which may accrue to a neighborhood by reason of the drainage of swamps and low lands lying in their vicinity. State vs. Clinton, 39 N. J. Law, 656. Land which can be

drained only after connecting laterals are built, cannot be assessed for the cost of the trunk, until such laterals are constructed. State vs. Elizabeth, 40 N. J. Law, 274. The road bed of a railroad company is property legally subject to assessment for benefits resulting from the building of a sewer. Paterson & Hudson R. R. Co. vs. Passaic, 54 N. J. Law 340.

<sup>3</sup> See note 1 to section 87.

<sup>4</sup> See note 1 to section 87.

paid out of any moneys in the hands of the treasurer of said city, and after such payment may collect the same, with interest and costs, from the owners and lands so liable, in the same manner as the costs and expenses of grading, paving and curbing the streets are authorized to be collected by said city in this act, as prescribed in the seventy-seventh section thereof.<sup>1</sup>

Council to construct drains.

91. And be it enacted, That the said city council may, at its discretion, and at the expense of said city, construct subdrains and inlets in any of the streets in said city, for the purpose of facilitating surface drainage.

Provisions in regard to streets that bound the city.

92. And be it enacted, That the seventy-sixth and seventy-seventh sections of this act, and all the provisions thereof, shall extend and apply in all things to the streets, highways, roads and alleys which lie or extend on or along the boundaries of the said city of Camden, (to the extent that the same lie or extend on or along the said boundaries,) and to the lands and real estate lying on or along or opposite said streets, highways, roads or alleys on either side, whether the said lands and real estate lie within the limits of said city or not, and to the owners of said lands and real estate, as fully and with the same effect as the said sections and the provisions thereof do or may apply to the streets, highways, roads and alleys which lie and are wholly within the limits of said city, and to the lands and real estate lying on or opposite the same, and wholly within the limits of said city, and to the owners of the said last mentioned lands and real estate; and that should the provisions of the said sections not be complied with and observed according to the terms thereof by the owners of the said lands and real estate on, along or opposite the said streets, highways, roads and alleys, which lie or extend on or along the boundaries of said city on either side of said streets, highways, roads and alleys, then the proceedings against the said owners and against the said lands and real estate, whether the said lands and real estate lie within the said city or not, shall be conducted in the same manner, and shall have the same effect in law and equity as if the said lands and real estate were within the limits of the said city.

<sup>1</sup> See note 1 to section 87.

93. And be it enacted, That the city council shall have <sup>Council to regulate opening in streets.</sup> power to regulate, by ordinance, in what manner individuals and corporations shall make openings into the culverts or drains in said city, and to enact fines and penalties for injuries done to the same.

94. And be it enacted, That any ordinance of the city <sup>Requiring owners of property to grade, pave, &c. Council to sell property for the non-payment of the same.</sup> council requiring the owner or owners of land to pave, grade, flag or curb, or otherwise permanently improve any street, highway or alley of said city, and the sidewalks and gutters thereof, or any part of such street, alley or highway, or any part of the sidewalks and gutters thereof, shall be conclusive upon said owners; and the ordinance shall not be called in question collaterally, but may be reviewed as any other judicial proceedings by certiorari; and any deed or declaration of sale made under the seal of the city for lands sold to pay for grading, paving, flagging, macadamizing, or otherwise permanently improving any street, highway or alley, or any part of said street, highway or alley, or making gutters in and along any street, highway or alley of said city, or paving and grading, or repairing the sidewalks of any said street, highway or alley, or any deed or declarations of sale made under the seal of the said city, for lands sold to pay for taxes assessed against the same, by virtue of this act, if regular, upon its face, shall be prima facie evidence of the right of the grantee, his heirs or assigns, to recover, hold and possess the lands therein conveyed, without additional proof of the regularity of the proceedings under which said sale and deed were made.

95. And be it enacted, That in advertising any real <sup>City to advertise and sell.</sup> estate for sale, under and by virtue of this act, in cases where the city are to advertise and sell, it shall be lawful to embrace lands belonging to different persons in the same advertisement; and at any sale so made by the city council, it shall be lawful for the city of Camden to become the purchaser of any lands so sold.

96. And be it enacted, That in case of the sale of any <sup>Omissions of name, &c.</sup> lot or lots of land by the city council, under and by virtue of this act, to satisfy the costs and expenses of doing the work made a lien by said act, any mistake in the name or names of the owner or owners of such lot or lots, or omis-

sion to name the real owner thereof, shall not invalidate any proceedings under said act, or the sale of any real estate by virtue thereof.

## TITLE VII.

### MISCELLANEOUS PROVISIONS.

Who shall be deemed sufficient witness.

97. And be it enacted, That upon the trial of any issue, or upon the judicial investigation of any fact to which the city of Camden is a party, or in which the city of Camden is interested, no person shall be deemed to be incompetent as a judge, witness or juror by reason of his being an inhabitant or freeholder of said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Ordinances may continue in force.

98. And be it enacted, That all ordinances of the said city, passed by the city council thereof, under and by virtue of the provisions of any act of the legislature of this state, in force at the time of the passage of this act, and not inconsistent with this act, shall continue in force until altered or repealed by the city council.

No member of council to be interested in contracts.

99. And be it enacted, That no member of the city council shall be appointed to or competent to hold any office, the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, the expense of which is to be paid from the city treasury,<sup>1</sup> or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of "The

Penalty.

<sup>1</sup> A provision in a city charter that no member of the City Council shall be directly or indirectly interested in any contract, the expense of which shall be paid from the city treasury, makes no discrimination with respect to the interest which should disqualify (the smallest amount so operating, as well

as the largest). *Foster vs. Cape May*, 60 N. J. Law, 78. A contractor is not prohibited from taking public work on his individual account because his general business partner is a member of the Municipal Board that awards the contract. *Moreland vs. Passaic*, 63 N. J. Law, 208.

City of Camden," and the said penalties, when recovered, shall be paid into the city treasury.

100. And be it enacted, That no owner or mortgagee, whose deed or mortgage shall have been duly recorded <sup>Rights of mortgagee.</sup> before sale, for any tax,<sup>1</sup> paving, grading, or any other improvement,<sup>2</sup> shall be divested of his rights in such property, unless six months notice in writing of such sale shall have been given to such owner or mortgagee by the purchaser at such sale, or by any person or persons claiming under him, personally, if a resident of the city of Camden, and if not such a resident, then by depositing such notice in the post office of said city, directed to the said mortgagee or owner, at his post office or place of residence, as stated in the deed, mortgage or assignment thereof, but nothing herein contained shall be so construed as to impair the lien created by such sale; within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the city clerk a copy of the notice served, together with the affidavit of the person serving the same, proving the due service of said notice.

101. And be it enacted, That the city council of the city of Camden shall have the exclusive power to grant licenses <sup>Council to grant license.</sup> to persons to keep inns and taverns, and victualling houses, with the privilege of retailing spirituous, vinous and malt liquors within the said city.<sup>3</sup>

102. And be it enacted, That every application for license as aforesaid, shall be made to the said city council, <sup>How applications for licenses are to be made.</sup> by the petition of the person or persons applying for the same, stating the place or premises where the said inn and

<sup>1</sup> As to sale for taxes this section is superseded by Gen. tax act, P. L. 1903, p. 394.

<sup>2</sup> As to sale for sewer assessments, this section is superseded by act of March 8, 1882, Gen. Stat. 605, section 716, Sub. Div. VIII.

<sup>3</sup> Sections 101, 102, 103 are superseded by the act of April 8, 1902, entitled "An act to establish an excise department in cities of this State." P. L.

1902, p. 628.

Where the charter of a municipal corporation gives to Common Council power to license inns and taverns, and also power to license wholesale dealers, liquor cannot be sold by the quart without license, in violation of a city ordinance. *Roberson vs. City of Lambertville*, 38 N. J. Law, 69. The closing of a saloon after 10 o'clock P. M. is the exercise of a police power and is valid if reasonable. *State vs. Borough of Washington*, 44 N. J. Law, 605.

tavern or victualling house is proposed to be kept, and a certificate thereto annexed, signed by at least twelve respectable citizens and freeholders in the ward in which the place or premises is or are situate, setting forth that such inn and tavern or victualling house is necessary to accommodate the public and entertain strangers and travelers, and such person or persons is or are of good repute for honesty and temperance, well capable of carrying on the trade or business for which the license is requested, and well provided with room and other suitable convenience for the comfort and accommodation of the public, of strangers and travelers.<sup>1</sup>

Council may  
grant and revoke  
license.

103. And be it enacted, That the city council shall have power, on every application to keep an inn or tavern or victualling house as aforesaid, to grant or withhold the same, and to revoke, for cause shown, any license whatever granted by said city council: the said city council shall charge for every license granted not less than thirty nor more than two hundred dollars, and may attach such terms and conditions to the license as they may deem proper, and no license shall be granted for a longer term than one year: every license shall be signed by the president and clerk of council, and no license shall be delivered until the fee thereof shall be paid to the city clerk, and all moneys received for licenses shall be paid to the city treasurer for the use of said city.<sup>2</sup>

Fees of overseers  
of the poor and  
justices.

104. And be it enacted, That the overseers of the poor and justices of the peace of the city of Camden shall receive the sum of ten cents each for each and every order of relief issued and granted by them in the said city of Camden, and no more.

Council to ap-  
point trustees of  
cemetery.

105. And be it enacted, That hereafter the trustees of the Camden cemetery shall be appointed by the city council of said city, from among the residents of said city, and shall report to that body, who shall from time to time, by ordinance or resolution, make such rules and regulations as may be necessary or proper for the management of said cemetery and all matters pertaining thereto.

Laws may con-  
tinue in force.

106. And be it enacted, That the laws of the state of

<sup>1</sup> See note 3 to section 101.

<sup>2</sup> See note 3 to section 101.



New Jersey applicable to the city of Camden shall, after the passage of this act, continue to apply as now, except where the particular subject matter thereby regulated is otherwise provided for in this act, or the provisions of said laws are inconsistent with or repugnant to the provisions of this act,<sup>1</sup> and that all acts or parts of acts, so inconsistent or repugnant, be and the same are hereby repealed to the extent that they are so inconsistent or repugnant; but nothing herein contained shall be construed so as to destroy, impair, or take away any lien, claim, right or remedy acquired or given by any act hereby repealed, and all liens, rights, claims and remedies acquired or given by any act hereby repealed may be collected, enforced, had and taken, and all proceedings that are already commenced, or hereafter may be commenced, for the collection of any liens, or claims for taxes, assessments or improvements, acquired or given by any such former acts may be carried on and completed under any such acts in all respects in the same manner, and with the same effect, as though this act had not been passed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner and with the same effect as though this act had not been passed, and the provisions of this act shall not be constructed to apply to or in anywise affect any person who has heretofore been elected to any office at any annual city election so far as relates to said office, and at the annual election to be held on the second Tuesday of March, eighteen hundred and seventy-two, and every third year thereafter, there shall be elected by ballot a treasurer of said city for the term of three years from among the citizens residing in said city, and entitled to vote at such election, and the returns of the election of said treasurer shall be made out and laid before the city council and the result ascertained in the same manner in every particular as is provided in the case of the election of the mayor and other city officers of said city are respectively elected and qualified under the provisions of this act, and in the meantime the officers now in office in said city (and those who may fill any vacancies happening therein,) shall continue to exercise the powers and fulfill

Treasurer to be  
elected.

<sup>1</sup> The provisions of a city charter may be repealed or altered by the Legislature at will, but a General Statute repealing all acts contrary to its provi-

sions will not be held to repeal a clause in any municipal charter upon the same subject matter. *State vs. Branin*, 23 N. J. Law, 484.

the duties of their respective offices; any unfinished business in the hands of any officer may be completed by him, notwithstanding the expiration of his term of office, when the city council shall by resolution so provide.

Council may order streets improved that divide the wards.

107. And be it enacted, That the city council may order and direct any of the streets or highways of said city through which the lines dividing the wards of said city shall run, or any part or section thereof, to be paved, macadamized or permanently improved, or culverts to be constructed under such streets, highways, or sections thereof, whenever ten persons from each ward in which such paving shall be required to be done or culvert constructed shall petition city council therefor, and that the costs and expenses for doing said work shall be assessed, apportioned and collected in the same manner as hereinbefore provided, and the costs and expenses of such culverts shall be assessed and apportioned upon the lands in the several districts for underground drainage through which said culverts shall be constructed in the same manner as hereinbefore provided.

Council to appoint a committee to adjust accounts with Newton township.

108. And be it enacted, That a committee of councilmen of said city consisting of one from each ward of said city, to be appointed by said city council and the township committee of the township of Newton, be, and they are hereby empowered to meet on the first Monday in April next, in the council chamber, at the city hall, in said city, at the hour of ten o'clock in the forenoon of that day, and then and there proceed ratably to impose, divide and apportion the liabilities, funds, revenues and estates, of said township of Newton, hereby divided between the said city of Camden and the residue of the said township of Newton in proportion to the taxable property and ratables as taxed by the assessor of the township of Newton, at the last annual assessment: and the city of Camden shall be liable to pay their just proportion of the debts as reported at the last annual town meeting of said township of Newton; and should any such township committee or committees to be appointed by said city council as aforesaid, or members of either of said committees, fail to attend, then a majority of the members of each committee may proceed to make such division and apportionment, setting forth the same in writing for publication in the

first subsequent annual report of said city and township, and such convention of the committees or members thereof shall have power to adjourn from day to day, until the completion of said division be made, and their decision, or the decision of a majority of them, shall be conclusive and final, and the passage of this act shall be sufficient notice of the time and place of such meeting.

109. And be it enacted, That this act shall be deemed and taken to be a public act and shall take effect on the first day of March next.

Approved February 14, 1871.

### A FURTHER SUPPLEMENT

To the act entitled "Act to revise and amend the Charter of the City of Camden." Approved February 14, 1871.

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That so much of section twenty-eight of said act, to which this is a supplement, as authorizes the president of the city council of the city of Camden to call special meetings of said city council, when the public good shall, in his opinion, render it necessary, be and the same is hereby repealed. Special meetings.

Sec. II. And be it enacted, That so much of section twenty-nine of said act as requires the ordinances mentioned in said section to be published in the newspapers printed and published in the said city of Camden, before the same shall take effect, be and the same is hereby repealed; and the ordinance mentioned and referred to in said act shall be published for two weeks, at least once in each week, in three newspapers, printed and published in said city, before the same shall take effect, and the said city council shall designate in which three newspapers the same shall be published.<sup>1</sup> Ordinances to be published in three papers.

<sup>1</sup> Where a statute provides that an ordinance shall be published for 20 days in at least one newspaper, the fair import of the requirement is that the ordinance shall be published in each number of the newspaper issued within 20 days from the date of the publication. Insertion in one number is sufficient if a second number is not published within 20 days, and the ordinance

takes effect 20 days after the first publication. *Hoboken vs. Gear*, 27 N. J. Law, 265. Statutes empowering municipal authorities to publish their proceedings in newspapers, mean English newspapers, unless some other language is indicated. *Wilson vs. Trenton*, 56 N. J. Law, 469.

See note 4 to section 29.

Sec. III. And be it enacted, That it shall not be lawful for said city council to publish any notice, advertisement, ordinance or petition, in any more or greater number of newspapers than is required by law, and whenever any notice, advertisement, ordinance or petition is required to be published, the said shall be published in such newspapers as the city council shall designate.

Building in-  
spector.

Sec. IV. And be it enacted, That hereafter no person shall be appointed by the said city council of the city of Camden a building inspector for said city, unless he shall be a practical builder, in the art of building, and shall pass a satisfactory examination, before a board composed of five master builders, to be selected by the city council, and shall have served a regular apprenticeship in the art of building, and shall have been a master builder at least three years before the time of his appointment.

Discount on tax.

Sec. V. And be it enacted, That on all taxes assessed and paid before the first day of October, in each and every year, after such assessment the receiver of taxes shall deduct therefrom a discount of five per centum.<sup>1</sup>

Assessments.

Sec. VI. And be it enacted, That after making the valuation of the real and personal estate, in the said city of Camden, for which any individual shall be assessed, it shall not be lawful for the assessors, or for the commissioners of appeal in cases of taxation in and for the several wards of said city, to deduct from such valuation any debt or debts due and owing from such individual to any creditor or creditors; and that no deduction shall be made in the valuation or assessment of any lot or real estate in said city, by reason of any mortgage, judgment, or other incumbrance thereon; provided, that in all cases when the holder of any mortgage, on any lot or real estate in said city, shall not reside in the same ward where the mortgaged premises lie, the tax on the money secured by the said mortgage shall be assessed against and be paid by the mortgagor in the ward where the lands lie; provided further, that in such case the said mortgagee shall not be assessed for such mortgage in the township or county in which he or she resides.

<sup>1</sup>The rate of discount may now be fixed by Council, under General tax act, P. L. 1903, p. 420, section 40.

Sec. VII. And be it enacted, That in case any real estate in said city shall be subject to a mortgage held by corporations whose funds, investments and securities are by law exempt from tax, the said real estate shall be assessed at its full valuation, without any deduction for said mortgage. Mortgages not to be deducted.

Sec. VIII. And be it enacted, That hereafter whenever the city council of the city of Camden shall determine to lay out and open any street, road, or highway, in any part of said city or to cause any street, road, highway, or alley already laid out in any part of said city to be vacated, opened, altered, or widened, in pursuance of the seventy-ninth section of the act to which this is a supplement, and commissioners<sup>1</sup> shall be appointed by said city council, in pursuance of said section, the said commissioners in estimating and assessing the damages that any owner or owners of any lands and real estate, with the appurtenances necessary to be taken, for either of the said purposes, shall have due regard both to the value of the land and real estate, and to the injury or benefit to the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley, and shall assess against the owner or owners of any lands and real estate, necessary to be taken for either of said purposes, the amount that any such owner or owners will be benefited by the laying out, altering, or widening any such street, road, highway, or alley, over and above the damages that they shall assess in favor of such owner or owners, by reason of laying out, altering, or widening any such street, highway, or alley, and if, in any case, said commissioners shall estimate the benefit to such owner or owners to be greater Commissioners to lay out streets. Damages and benefits to be assessed.

<sup>1</sup> Where a charter provides that the value of lands taken for public improvements, and damages, shall be ascertained by Commissioners, this work cannot be submitted to arbitration. *Paret vs. Bayonne*, 39, N. J. Law, p. 559.

Objections to preliminary proceedings for street improvements, where land owners have notice of such improvements, must be made before the work is completed and paid for by the city. After such acquiescence, objections should be to the amount and ap-

portionment of the assessment. *State vs. Paterson*, 40 N. J. Law, 244. The owners of land to be assessed for public improvements are entitled to a reasonable notice of the meeting of the Board of Assessors, and a right to be heard, even where the act authorizing the improvement is silent as to such notice. *State vs. Jersey City*, 24 N. J. Law, 662; *Vantilburgh vs. Shann*, 24 N. J. Law, 740; *State, Wilkinson, pros., vs. Trenton*, 36 N. J. Law, 500; *State vs. Road Commissioners*, 41 N. J. Law, 89; *Wilson vs. Karle*, 42 N. J. Law, 612.

than the damages, they shall so certify in the certificate, which they are required by said eighty-second section of said act to make, and shall specially estimate and assess the value of the lands and real estate, which will be so damaged, and after such award shall be made, the remaining lands and real estate of any such owner or owners shall be liable for the amount by said commissioners assessed as benefits.

Commissioners to determine amount.

Assessment to remain a lien.

Sec. IX. And be it enacted, That said commissioners shall also assess against the owner or owners of any land or real estate, fronting on any such street, highway, or alley, so determined by said city council to be laid out, opened, widened, or altered, the amount that such owner or owners will be benefited by laying out, opening, widening, or altering any such street, highway, or alley, and shall state such amount in said certificate;<sup>1</sup> and said assessment shall be and remain a lien on the said lands and real estate of such owners respectively fronting on any such street, highway, or alley, so determined by said city council to be laid out, opened, widened, or altered, from the time of the ratification of the said certificate by said city council until the same be paid and satisfied, and the amount of all assessments for benefits may be collected by said city council from the owners and lands so liable, in the same manner as the costs and expenses of grading, paving, and curbing the streets in said city are authorized to be collected by said city in the act to which this is a supplement, as prescribed in the seventy-seventh section thereof.<sup>2</sup>

<sup>1</sup> The proceedings of the body having power to make assessments must show affirmatively that the assessments made do not exceed the benefits received. *State vs. Passaie*, 37 N. J. Law, 138, 538; *State, Agens, pros., vs. Newark*, 37 N. J. Law, 415; *Bogert vs. Elizabeth*, 27 N. J. Equity, p. 568. The principle of frontage assessment for the special benefits arising from street improvements is not necessarily wrong. If that mode in any particular case properly distributes the benefits among the owners benefited, there can be no objection to its use. *Raymond vs. Rutherford*, 55 N. J. Law, 441. Whether such body will make personal examination beyond the line of improvement

to discover what property is benefited, provided they take into consideration how far the benefits extend, is a matter for their own discretion, unless it be shown that they have failed to embrace all such property. *Hunt vs. Rahway*, 39 N. J. Law, 646. The assessment of Commissioners for benefits and street improvements, where they have been on the ground and examined the premises and made their report of estimates according to the principles prescribed in the charter, will not be set aside upon conflicting evidence of the justice or sufficiency of said assessments. *Simmons vs. Passaie*, 55 N. J. Law, 485, 488.

<sup>2</sup> See note 1 to section 77.

Sec. X. And be it enacted, That when said certificate, Appeal from assessments. and the estimates and assessments therein contained, are ratified by said city council, the same shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances; provided, however, that any person or persons conceiving himself, herself or themselves aggrieved by the proceeding of the said city council, or the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of the ratification of the said certificate, and the estimates and assessments therein contained, by said city council; and the said supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, and the amount such party will be benefited, the trial whereof shall be conducted as in other cases.<sup>1</sup>

Sec. XI. And be it enacted, That in case of the resignation, death, or disability of any of the commissioners to be appointed under the seventy-ninth section of the act to which this is a supplement, it shall be lawful for the said city council to supply by appointment the vacancy or vacancies caused by such death, resignation or disability. Council may fill vacancies.

Sec. XII. And be it enacted, That all costs and fees Receiver to pay to treasurer. hereafter collected by the receiver of taxes of said city, on any warrant or warrants to him directed for the collection of taxes in said city, shall be by him paid over to the treasurer of said city, for the use of said city, at the same time he pays over the taxes by him collected on said warrant or warrants.

Sec. XIII. And be it enacted, That whenever the said city council of the city of Camden shall, by any ordinance or ordinances passed in pursuance of the act to which this is a supplement, ordain and direct that the owners of real estate, fronting on any street, highway or alley in said city, or on any part thereof, shall curb, pave, grade, flag, macadamize, or otherwise permanently improve the same, or any part thereof, or pave and grade the sidewalks and gutters thereof, or any part thereof, or repair the same or any of them, or any part or section of the same, along and opposite to such owners' property, and Council may contract to curb, pave, &c.

<sup>1</sup> See note 1 to section 77.

said owner or owners shall refuse and neglect to comply with said ordinance or ordinances, and shall not curb, grade, pave, flag, macadamize, or otherwise permanently improve the said street, highway or alley, or pave and grade the sidewalks and gutters thereof, or repair the same as may be by said ordinance or ordinances directed, and in the manner in said ordinance prescribed, for the space of thirty days from the time when the same is required to be done, it shall be lawful for said city council to contract with some person or persons to do the same; and when so done, the contractor or contractors doing the same shall, within thirty days after the same is done, file in the office of the receiver of taxes of said city a claim or statement, setting forth the proportion of the costs and expenses for which each and every owner or reputed owner of said real estate is liable for doing the same, which claim or statement shall also contain the name of the owner or reputed owner of the real estate in front of which said work was done, and as nearly as may be an accurate description of the same and where the same is situated; and the costs or expenses of performing the said work shall remain a lien upon the real estate aforesaid from the time of performing said work until paid and satisfied, notwithstanding any devise, descent, alienation, mortgage, judgment or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands and real estate, in the said claim or statement; and the said contractor or contractors may sue for and recover the amount so as aforesaid due from the owner or owners or reputed owner or owners of such real estate, or his, her, or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case, in the name of "the city of Camden," to the use of the said contractor or contractors, for so much money by said city paid, laid out and expended, to and for the use of such owner or owners or reputed owner or owners, or his or their legal representatives; and in every such action the said claim or statement so filed as aforesaid, or a copy thereof, with the proof that the labor has been performed, or the materials furnished, shall be conclusive evidence for the plaintiff; and said claim or statement, or a copy thereof, may in any such action brought to recover the amount specified to be due therein be received as evidence

Contractor to file statement.

Costs to remain a lien.

Filed statements to be taken as evidence.



of the facts therein set forth; and no plea alleging non-joinder or misjoinder of parties, no plea touching the rates or proportions of contribution among parties jointly interested, nor any plea touching the question of ownership shall be allowed in any such action, and in any such action it shall only be lawful for the defendant to deny that the said work was done or materials furnished, or that the amount claimed has been paid for or released.<sup>1</sup>

Sec. XIV. And be it enacted, That this act shall take effect immediately.

Approved March 19th, 1872.

### A FURTHER SUPPLEMENT

To an act entitled "An Act to revise and amend the Charter of the City of Camden." Approved February 14th, 1871.

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the city council of the city of Camden shall not have power to raise by loan in any one year a greater sum than twenty-five thousand dollars, and the said the city council shall not have power to increase the debt of the said city of Camden beyond the sum of one million of dollars. <sup>Indebtedness limited.</sup>

Sec. II. And be it enacted, That the city council, during the month of June in each and every year, or as soon after as possible, shall make the annual appropriations for the different departments of the city, and no appropriation shall be exceeded nor work contracted for nor materials ordered, nor proposals asked for either work or materials, unless the cost of said work or materials can be paid for out of the appropriation of the year, unless in cases of extreme emergency, and then only by a vote of three-fourths of the members of the entire city council. <sup>Appropriations.</sup>

Sec. III. And be it enacted, That it shall be the duty of

<sup>1</sup> This section is unconstitutional so far as it attempts to impose the whole cost of street paving upon abutting

property owners. *Borton vs. Camden*, 65 N. J. Law, 511. See note 1 to section 77.

the city clerk and city treasurer to furnish to the city council, over their signatures, once in each month, a statement of the balances in the various departments; and it shall not be lawful for the city treasurer to pay any order for work done or materials furnished in excess of the annual appropriation, unless said work is ordered by a three-fourths vote of the city council, as provided for in section two.

Ordinance for  
appropriations.

Sec. IV. And be it enacted, That all appropriations for money for any purpose above the sum of five hundred dollars shall be by ordinance, and it shall require a majority of the entire council to pass an ordinance for the appropriation of money.<sup>1</sup>

Sec. V. And be it enacted, That all bills for taxes, rents and claims of every kind shall be made out by the clerks and other authorized persons in the various departments, and delivered at the residences or sent to the post office address, if possible, of the person owing such tax, rent or claim.

Sec. VI. And be it enacted, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Sec. VII. And be it enacted, That this act shall take effect immediately.

Approved March 12th, 1873.

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## A SUPPLEMENT

To an act entitled "An act to revise and amend the Charter of the city of Camden." Approved February 14, 1871.

Police to be ap-  
pointed by the  
mayor.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the police and night

watchmen of the said city of Camden shall be appointed by the mayor, and hold their office under the control, and at the pleasure of the mayor of said city;<sup>1</sup> and said mayor shall appoint a proper person to be the chief of police, and said city council shall define his duties; and that no policeman or watchman shall engage in any other business during his term of office.

Sec. II. And be it enacted, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 7, 1872.

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### A FURTHER SUPPLEMENT

To an act entitled "An act to revise and amend the Charter of the city of Camden." Approved February 14, 1871.

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That at the next annual election for city and ward officers there shall be elected from among the qualified voters of the city of Camden three assessors, one for the term of one year, one for the term of two years, and one for the term of three years, who shall constitute and be known as the "board of assessors of the city of Camden," and every year thereafter there shall be elected from among the qualified voters aforesaid, one assessor, who shall hold his office for the space or term of three years; and in case of the death, resignation or removal of any of said board, the city council of said city shall have power to fill said vacancy until the next annual election, at which election the vacancy shall be filled for the unexpired term only; and said board shall, between the first day of January and June, in each year, personally make the assessments on all property liable to taxation, take the accounts of births, marriages and deaths, and the number of children of proper age for admittance into the public schools of the city of Camden, and perform all the duties now performed by the various ward assessors, except such as are

Board of assessors.

School census.

<sup>1</sup> See section 38, note 1.

Salary. hereinafter provided, and they shall receive for their services such salary as the city council shall by ordinance provide, and no other compensation whatever; provided, that the salary of said assessors shall not be fixed at a less sum than eight hundred dollars per annum; and the said board are hereby empowered to employ a clerk, yearly, at such salary as the city council shall deem reasonable; provided, the same be not less than three hundred dollars per annum.<sup>1</sup>

Extra assessor. Sec. II. And be it enacted, That at the first election for city and ward officers after the passage of this act, and annually thereafter, there shall be elected from each of the wards of said city, from among the qualified voters thereof, one extra assessor, who shall meet the assessors of the wards and townships of the county of Camden, and perform the duties heretofore performed by ward assessors of said city, at said meetings, and said extra assessors shall receive for their services three dollars for each day of actual service, and no other compensation whatever; and the duplicates of the value of the real and personal estate to be assessed by each of the assessors named in the first section of this act shall be produced by said extra assessors at said annual meeting of the assessors of the wards and townships, together with the affidavits of said assessors, as required by section twelve of an act entitled "A further supplement to an act entitled an act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, approved April eleventh, one thousand eight hundred and sixty-six<sup>2</sup>

Board of revision. Sec. III. And be it enacted, That the said extra ward assessors shall constitute the board of revision and appeal in cases of unjust or unequal taxation in said city; they shall meet at the city hall in said city, between the hours of ten o'clock in the forenoon and eight o'clock in the evening, daily, during the week, in July, commencing on the second Monday of said month, and five of the said board of revision and appeal shall constitute a quorum; provided, that at least one of the said city assessors shall be present at said meeting.<sup>3</sup>

Sec. IV. And be it enacted, That all appointments to

<sup>1</sup> See note 5 to section 5.

<sup>3</sup> See note 1 to section 5.

<sup>2</sup> See note 5 to section 5.

office in the various departments of said city, (except mechanics working at their regular trade, and ordinary day laborers, and the chief of police, police officers and night watchmen, and persons employed in the public schools,) shall be by ordinance passed by a majority of the members of the city council; and it shall not be lawful for the city treasurer to pay any salary to any person otherwise appointed.

Sec. V. And be it enacted, That the city council, at a meeting preceeding the expiration of the term of office of any city, ward or department officer or officers, either elected or appointed, shall fix the salary of said officer or officers by ordinance; and in case of the neglect or refusal of the said city council to fix the salary of any officer or officers, then the salary theretofore paid for similar services shall be considered the salary of said officer or officers for his or their term of service; and no officer under the city government, or employed in any department, either elected or appointed, shall have his salary, fees, or emoluments of office increased or diminished during the term for which he was elected or appointed; provided, that this act shall not apply to mechanics working at their regular trades, or day laborers in their various departments.

Sec. VI. And be it enacted, That the city solicitor of said city shall be required to publish the sales for taxes, as provided for in the sixty-fifth section of the act to which this is a supplement, for the space of four weeks only, at least once each week.

Sec. VII. And be it enacted, That the annual statement required to be made out by the city treasurer, in the forty-sixth section of the act to which this is a supplement, shall, at the time required in said section, be published in pamphlet form, of not less than one thousand copies, and not more than three thousand five hundred copies, and kept by the treasurer for gratuitous distribution, and such publication shall be in lieu of the publication now required to be made in the newspapers in said city.

Sec. VIII. And be it enacted, That the sales of land hereafter made by the said city for non-payment of any taxes, paving, grading, culverting, or other improvements

Council to appoint officers.

And fix their salaries.

Sales for taxes to be published.

Treasurer to print statement.

Sales for tax notes divest lien.

or repairs, shall not divest the lien or incumbrance of any mortgage recorded before such taxes shall be assessed, or improvements made, but shall be made subject to said mortgage.<sup>1</sup>

Sec. IX. And be it enacted, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 16, 1874.

### A FURTHER SUPPLEMENT

To an act entitled "An act to revise and amend the Charter of the City of Camden." Approved February 14, 1871.

Number of councilmen.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That after the passage of this act there shall be in and for said city of Camden twenty-five councilmen.<sup>2</sup>

Election.

Sec. II. And be it enacted, That an election by ballot shall be held on Tuesday, the sixteenth day of April, one thousand eight hundred and seventy-two, in each of the wards and election districts of the city of Camden, at the same place at which the last annual election of said city was held, between the hours designated by law for holding the election for members of the senate and general assembly of this state, of which time and place the city clerk shall cause public notice, either printed or written, to be set up in five public places in each ward of said city, at least three days previous to the day of holding such election.

Councilman at large.

Sec. III. And be it enacted, That at said election to be held pursuant to this act, there shall be elected, by ballot, in and for said city of Camden, from among the citizens residing in said city, and entitled to vote at said election to be held as aforesaid, one councilman-at-large, who shall hold his office until the annual election of said city, to be held under the said act to which this is a supplement, in

<sup>1</sup> This section is superceded by P. L. 1903, p. 394, sections 57, 59, 60.

<sup>2</sup> Now two Councilmen for each ward. See note 3 to section 3.

the year one thousand eight hundred and seventy-five, at which annual election, and every third year thereafter, there shall be elected by ballot in and for said city, from among the citizens residing in said city and entitled to vote at said annual elections, one councilman-at-large, who shall hold his office for the term of three years.

Sec. IV. And be it enacted, That said councilman-at-large, to be elected as aforesaid, shall meet with the councilmen already elected, or hereafter to be elected by virtue of the said act to which this is a supplement, at any and all meetings by them hereafter held in pursuance of said act, and shall have and possess the same powers and privileges, and be subject to the same restrictions as they or any of them now have or shall have, possess, and are subject to.

Sec. V. And be it enacted, That the persons who were by law entitled to vote at the last annual election of said city, held in the several wards of said city of Camden, and who were duly registered in said ward, in accordance with the provisions of an act entitled "An act to provide for the registration of persons entitled to the right of suffrage in cities," approved March twenty-second, eighteen hundred and seventy-one, and none others, shall be entitled to vote at the election held pursuant to the provisions of this act. Only those registered entitled to vote.

Sec. VI. And be it enacted, That the election to be held in pursuance of this act shall be held and conducted by the same judges and election officers in the several wards of said city, who held and conducted the last annual election in said city, and such judges and election officers shall perform the same duties in conducting said election, canvassing and estimating the votes to be cast thereat, and making returns thereof, in the same way and manner, under the same restrictions and limitations, and subject to the same penalties as are now provided or imposed by law; provided, that in case of the absence, death, refusal to serve, or other incapacity of any or either of said judges or election officers at the holding of said election, such vacancy or vacancies shall be supplied in the same manner prescribed by law for supplying such vacancy or vacancies at an election for state and county officers. Judges of election.

Fraudulent  
voting.

Sec. VII. And be it enacted, That if any person or persons shall vote or offer to vote in any of the wards of said city at the election held in pursuance of this act, such person or persons so voting or offering to vote at such election, in such ward, not being legally entitled to vote therein, shall be subject to the same pains, penalties and punishment now prescribed by law to be imposed or inflicted upon any person or persons illegally voting or offering to vote at any general election held in this state.

Sec. VIII. And be it enacted, That this act shall take effect immediately.

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#### AN ACT TO INCORPORATE

#### THE CAMDEN WATER WORKS COMPANY.

Sec. I. Be it enacted by the Senate and General Assembly of the State of New Jersey, That Isaac Cole, Benjamin W. Cooper, Charles Kaighn, Henry Allen, William Folwell, Nathan Davis, Benjamin T. Davis, John W. Mickle and James Elwell, and their associates, are hereby authorized and empowered to introduce into, and supply the city of Camden, in this state, with pure water, under such terms, regulations, and conditions as the city council of said city shall by ordinance, ordain and establish; and the said Isaac Cole, Benjamin W. Cooper, Charles Kaighn, Henry Allen, William Folwell, Nathan Davis, Benjamin T. Davis, John W. Mickle and James Elwell, and their associates, are hereby incorporated as a body politic and corporate in law, under the name of "The Camden Water Works Company," with a capital of fifty thousand dollars; and may have a common seal; and may have, hold, occupy, and possess real estate in the city of Camden, sufficient for erecting water works necessary to supply said city with water; and shall have full power to lay pipes for conducting the water, and erecting their water works on and through the public streets, lanes and alleys of said city, under such regulations as the city council shall direct, as aforesaid; provided, the consent of the owner or owners of any property to be taken for the erection of said works shall first be obtained.



Sec. II. Subscription books to the capital stock of the said company shall be opened, within thirty days after this act shall become a law, by the said Isaac Cole, Benjamin W. Cooper and Henry Allen, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, shall direct, giving at least two weeks notice thereof in the newspapers printed in said city of Camden.

Sec. III. The said capital stock of fifty thousand dollars shall be divided into shares of one hundred dollars each, and shall be held as personal estate; five dollars shall be paid to the said commissioners, or some one of them, upon each share at the time of subscribing; and when two hundred shares shall be subscribed, the said commissioners shall call a meeting of the stockholders, at such time and place, in the city of Camden, as they, or a majority of them, shall direct, giving at least three weeks notice of such meeting in the newspapers printed in said city of Camden; and the stockholders shall, at such meeting, choose five directors, being stockholders, to manage the affairs of said company; the said commissioners shall appoint some fit person to be judge of such election; said directors are hereby empowered to appoint a president, treasurer, secretary, and all such officers, agents, workmen and laborers as may be necessary to carry into effect this act, and to take such bonds and security as said board of directors may deem proper; in the election of directors, each share shall have one vote; all future elections shall be held at such times, in the city of Camden, as the by-laws of said company may prescribe and establish.

Sec. IV. The said company shall not employ any part of their capital in banking operations.

Sec. V. The legislature may at any time hereafter alter, amend, or repeal this act.

Approved April 2, 1845.

**A FURTHER SUPPLEMENT**

To "An Act to Incorporate the Camden Water Works Company."  
Approved April 2, 1849.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That so much and such parts of the fourth section of the supplement to said act entitled "A supplement to the act," entitled "An act to incorporate The Camden Water Works Company, approved April fourteenth, eighteen hundred and sixty-four," as limits the purchase of the stock of The Camden Water Works Company to a price or prices not exceeding the par value thereof, in case the city of Camden should purchase the same, be and the same is hereby repealed.

Sec. II. And be it enacted, That it shall be lawful for the said company to sell and convey their water works and all their property, real or personal, with its appurtenances, to the said city of Camden, at such price as may be agreed on between said company and said city, not exceeding two hundred thousand dollars, and that in case of such sale and conveyance, the said city may pay for the same, as in the said supplement to said act is appointed for the payment of the stock thereof, except that the interest on the coupon bonds to be issued may be seven per centum per annum; said bonds to be designated "water bonds," and secured by mortgage on the real and personal estate of said company so conveyed to the said city of Camden.

Sec. III. And be it enacted, That in case of a sale and conveyance of the said water works and the property appertaining thereto, as authorized by the next preceding section of this act, the board of directors shall take and hold the purchase money, or consideration thereof, not required in the payment of the debts of said company, and expenses of said sale, in trust for the stockholders of said company, in the ratio of the stock held by them respectively, and shall distribute the same to them in that ratio.

Approved March 14th, 1870.

**AN ACT**

To enable the city of Camden to supply the citizens thereof, and inhabitants of the town of Pavonia, in the township of Stockton, with water.

Whereas, The city of Camden has purchased from the Camden Water Works Company its water works, and all its property, real and personal, together with its appurtenances and all its rights, privileges and franchises thereunto belonging; therefore,

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the said city of Camden shall have the exclusive right of furnishing water to the citizens of Camden and the people in the town of Pavonia, in the township of Stockton, in the county of Camden; and to this end the said city of Camden is hereby authorized and empowered to purchase, take, hold, enjoy, convey and dispose of all such real and personal estate as may be necessary therefor, and to construct and maintain additional reservoirs, wells, aqueducts, buildings, machinery and appurtenances of every kind that may be necessary and useful for such purpose; and that the said city of Camden shall have full power and authority to lay and relay their water pipes under any of the streets of said city, or under any of the public roads and highways leading from the town of Pavonia, and through the streets of Pavonia aforesaid, and also to lay and conduct their said pipes across Cooper's creek; provided, always, the same shall not in any way interfere or obstruct the navigation of said creek; and provided, also, that no private property shall be taken, occupied or used by said city of Camden, without the consent of the owner thereof shall be first had and obtained.

Sec. II. And be it enacted, That the said city of Camden may sell and dispose of the water so procured by it, upon such conditions and for such rents as the city council of said city, or the persons or officers, or committee authorized by said city council may from time to time prescribe, and that such rents shall draw interest at the rate of twelve per centum per annum from and after the time when they shall become due.

Sec. III. And be it enacted, That it shall be lawful for the city council of the city of Camden to elect or appoint any and all officers, agents, engineers, employes or committeemen that they may deem necessary to be employed in and about the water works of said city, to define their duties, regulate their compensation, and provide for their removal; and that the said officers, engineers, agents, employes or committeemen so appointed or elected, as aforesaid, by said city council, are hereby authorized and directed, at all reasonable hours, to enter any dwelling or other place where the water so furnished by said city of Camden is taken or used, and when unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and the said officers, engineers, agents, employes or committeemen shall have full power to examine all service pipes, stop cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examinations, or oppose or obstruct any such officers, engineers, agents, employes or committeemen in performance of such duty, he, she or they so offending shall have the supply of water shut off until the required examination is made, and such alterations and repairs as may be found necessary shall be completed.

Sec. IV. And be it enacted, That whenever said city council shall deem it expedient that a water pipe or pipes shall be laid in any of the streets of said city of Camden, they shall cause the same to be laid, and the owners of the ground in front whereof the same shall be laid, shall pay for the expense thereof the sum of seventy-five cents for each foot of their ground upon such street; and when so done, they shall cause a particular statement and account of such expense to be filed with the clerk of said city, and such expense shall be and remain a lien upon the ground from the time of performing said work until paid and satisfied; provided, that the expense of laying such pipes along the intersection of any street, road, lane or alley, and erecting the necessary number of fire plugs, and for the repairs thereof, shall be provided for and paid in such manner, and be fixed by said city council, and paid for out of any moneys in the hands of the treas-

urer of said city not otherwise appropriated; and provided also, that in making the statement and account of such expense, an allowance not exceeding one hundred feet on the longest front shall be made on all corner lots until such front shall be used as main building fronts, and the expense for such allowance shall be provided for and paid in the same manner that fire plugs and pipes laid in the intersection are.

Sec. V. And be it enacted, That the said city council may order the whole or any part of said expenses to be paid out of any moneys in the hands of the treasurer of said city, and after such payment may collect the same, with interest and costs, from the owners and lands so liable, in the same manner as the costs and expenses of grading, paving and curbing the streets are authorized by law to be collected by said city of Camden.

Sec. VI. And be it enacted, That the city council of the city of Camden be, and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street in the city of Camden and the town of Pavonia, in the township of Stockton, in which any water pipe is laid, or shall hereafter be laid, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner herein provided for for the collection of water rents.

Sec. VII. And be it enacted, That the said city council be, and they are hereby authorized to borrow any sum not exceeding three hundred thousand dollars for enlarging and improving the water works of said city; and laying pipes and mains in the streets of said city, and to and from the reservoir or reservoirs of said works, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing lawful interest per annum in such amounts, and payable at such times, as shall be fixed by the said city council of said city; provided, that the moneys hereby authorized to be borrowed shall be in addition to the moneys authorized to be borrowed by the charter of said city.

Sec. VIII. And be it enacted, That the said city council

of the said city of Camden shall have power, and they are hereby authorized to make, ordain and establish all such ordinances, resolutions and regulations as said city council may deem necessary and proper for the distribution, supply, use and protection of the said water, and the safety, security and protection of the said water works and appurtenances thereto, and for the collection of water rents.

Sec. IX. And be it enacted, That all water rents now due, or hereafter to become due, to said city of Camden, may be collected and recovered in the name of the treasurer of said city of Camden, in an action of debt, or on the case, before any court of competent jurisdiction, against any person chargeable therewith; and in case of the non-payment of said water rent, it shall be lawful for said city council to cause the supply of said water to be stopped.

Sec. X. And be it enacted, That if any person shall wilfully do, or cause to be done, any act or acts whatsoever, to injure any engine, machine, reservoir, pipe, fire plug, hydrant or structure whatsoever, or anything appertaining to the works of said city, or whereby the same may be obstructed, stopped or injured, or shall wilfully or maliciously draw off or waste the water from any fire plug or hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both; provided, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit; and the said city of Camden is hereby authorized to bring an action and recover for damages by civil suit for any such injury aforesaid, in the name of the treasurer of said city, in any court in this state having cognizance of the same.

Sec. XI. And be it enacted, That if any person or persons shall wilfully pollute or adulterate the water in any reservoir, aqueduct, conduit or raceway erected, built or laid down under the provisions of this act, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not

exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

Sec. XII. And be it enacted, That this act shall take effect immediately, and be deemed and taken to be a public act.

Approved March 9th, 1871.





# ACTS

## Of the Legislature of New Jersey Affecting the City of Camden.

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An Act entitled "A further supplement to an act entitled 'An Act to revise and amend the Charter of the City of Camden,' approved February fourteenth, eighteen hundred and seventy-one."

Approved April 18, 1876, (see pamphlet laws of 1876, page 510,) repeals sections 101, 102 and 103.

Paragraph 4 of section 30 of the Charter was declared unconstitutional and void by the Supreme Court of New Jersey, in the case of Sutterly vs. Camden Common Pleas, 12 Vroom, page 495.

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An Act entitled "A further supplement to the act entitled 'An act to revise and amend the Charter of the City of Camden,' approved February fourteenth, eighteen hundred and seventy-one."

Approved February 28, 1878, (see public laws 1878, page 535,) providing for a board of excise commissioners for the city of Camden, was declared unconstitutional and void by the New Jersey supreme court in the case of Bingham vs. Camden, 11 Vroom, 156.

### ANNEXED TERRITORY.

An Act concerning the part of the territory of any municipality annexed to any city, and providing for the government of such annexed territory as a part of the city to which it may be annexed, and the adjustment and apportionment of assets and liabilities between such city and the municipality from which such annexed territory is taken. Approved March 24, 1897.

P. L., p. 104.

An Act providing for the annexation of the town of Stockton, in the county of Camden, and the territory embraced therein, to the city of Camden, in said county. Approved March 24, 1899.

P. L., p. 355.

An Act concerning consolidated cities and annexed municipalities and townships and portions thereof. Approved March 22, 1900.

P. L., p. 152.

Supplement approved May 2, 1906.

P. L., p. 331.

An Act to authorize consolidated and annexed municipalities to make assessments for local improvements. Approved April 29, 1905.

P. L., p. 414.

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### APPROPRIATIONS.

An Act for the punishment of Crimes. (Revision of 1898). Approved June 14, 1898

P. L., p. 803.

Section 31. Any board of chosen freeholders, or any township committee, or any board of aldermen, or common councilmen, or any board of education, or any board of commissioners of any county, township, city, town, or borough in this state, or any committee of any such board, committee or commission, which, or any member thereof who, shall disburse, order or vote for the disbursement of public moneys, in excess of the appropriation respectively to any such board or committee; or which board or committee, or any member thereof, who shall incur obligations

in excess of the appropriation and limit of expenditure provided by law for the purposes respectively of any such board or committee, thus disbursing, ordering or voting for the disbursement and expenditure of public moneys, or thus incurring obligations in excess of the amount appropriated, and limit of expenditure as now or hereafter appropriated and limited by law, shall be jointly or severally guilty of a misdemeanor; provided, nothing herein shall prevent any board of education from keeping open the public schools.

**An Act relating to appropriations in certain municipalities and unexpended balances thereof. Approved June 17, 1907.**

P. L. p. 630

Be it enacted by the Senate and General Assembly of the State of New Jersey:

Section 1. In any municipality in this state where the amounts to be raised by taxation are fixed and determined by resolution or ordinance of the board of aldermen, common council or other governing body thereof, and not by the voters of such municipality at annual or special elections, it shall be lawful for such board of aldermen, common council or other governing body, by resolution passed after the expiration of any fiscal year, to carry forward the balance of any such appropriation remaining unexpended or unpledged at the end of said year to the same or other account or appropriation of the next, that is to say, the then present fiscal year, or by resolution to provide that such balance shall be paid into the sinking fund of said municipality.

Section 2. In any such municipality it shall be lawful for the board of aldermen, common council or other governing body to amend the annual tax ordinance or resolution providing for the raising of moneys by taxation at any time during the fiscal year for which said moneys are to be so raised prior to the date of the fixing and determining of the tax rate of said municipality for said year.

Section 3. This act shall take effect immediately.

**An Act to enable cities to appropriate moneys for the proper celebration of their semi-centennial and centennial anniversaries as cities. Approved March 8, 1905.**

P. L., p. 41.

An Act authorizing cities of this State to appropriate moneys for the celebration of the Fourth of July, Washington's Birthday and Decoration Day. Approved March 10, 1880.

P. L., p. 172. G. S., p. 1942.

An Act to enable cities, which have no city hospital, to assist in Maintaining hospitals located in such cities. Approved March 22, 1886.

P. L., p. 97. G. S., p. 1691.

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### ASSESSMENTS.

For construction of sewers and drains. See Sewers.

For paving streets. See Streets.

A General Act respecting taxes ,assessments and water rates. Approved March 23, 1881.

P. L., p. 194.

An Act enabling cities to return taxes, assessments and water rents paid in error. Approved April 14, 1891.

P. L., p. 394. G. S., p. 3437.

An Act to authorize the correction of errors and mistakes in the tax and assessment records of any public road board or other public body or municipality in this state, and in the payment of any tax or assessment made by error or mistake by any person upon the property of another. Approved April 7, 1892.

P. L., p. 409. G. S., p. 3441.

An Act concerning assessments for benefits and awards for damages in the opening of streets in cities of this state, and providing for a new assessment and award. Approved March 1, 1893.

P. L., p. 83.

An Act concerning the qualification of commissioners appointed to assess benefits conferred by the construction of sewers and drains in certain cases. Approved March 14, 1895.

P. L., p. 321.

An Act relating to the confirmation of assessments for local improvements in certain cities in this state. Approved May 12, 1896.

P. L., p. 360.

An Act to provide for a board of commissioners of assessment in cities when no such board or mode of assessment of benefits is provided by the city charter. Approved April 12, 1886.

P. L., p. 223. G. S., p. 574.

As amended by act approved May 3, 1906.

P. L., p. 390.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section one of said act be amended so as to read as follows:

1. When no provision is made by the charter of any city in this state for the appointment or election of a commission or board for the assessment of benefits (or no mode of assessment of benefits, other than the charging against each property or parcel of land the cost of making the improvement in the street or highway on which the same abuts or adjoins, is prescribed), a board of commissioners of assessments is hereby created in such city, and shall consist of three citizens, not members of the governing body, or in the employ or service of such city, to be appointed annually to such board by said governing body. It shall be the duty of the said board of commissioners of assessment, after such notice to the parties in interest as such governing body shall prescribe, to ascertain and make assessments according to law for the benefits resulting to the abutting or adjoining lands (in such assessments specifying the amount thereof and the particular lot or parcel of land against which the same is assessed), from all street improvements and from the laying or relaying of water pipes, and to file a certificate of such assessment with the city clerk of said city, who shall thereupon present the same to the governing body of said city at its next meeting for its approval and confirmation; the amount of such assessments shall, after confirmation of the same by said governing body, be and become a lien upon the said abutting or adjoining lands in front or in the vicinity of which such improvements are made as

said lands are described and designated in said certificate of assessment, to the same extent that taxes and other assessments are liens in such city; and said assessments shall be collected in the manner provided by law for the collection of taxes and other assessments, and shall bear interest at the same rate; in addition thereto the city may have an action to recover the amount of any such assessment against the owner or owners of said lands in any court having competent jurisdiction thereof, and a certified copy of such assessment shall, in any such action, be prima facie evidence of the existence of the debt due from said owner or owners to such city; in case any such assessment against any property in such city, whether made by the board of commissioners created under this act or by any other board, officer or authority in such city previous to the creation of a board under this act, is hereafter or shall have been within two years prior to the passage of this act set aside as illegal or unjust by some court of review or by stipulation of counsel or otherwise, said board of commissioners of assessment hereby created, shall be authorized, and it shall be their duty to proceed, as soon as possible thereafter, to re-assess such benefits against any such property according to law.

2. This act shall take effect immediately, and that all acts or parts of acts inconsistent herewith, to the extent of such inconsistency only, be and the same are hereby repealed; provided, that this act shall not be construed to deprive any city of the power to adopt any other method than that herein prescribed, of appointing commissioners of assessments or proceeding to collect assessments which is now authorized by law in such city.

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## AWARDS.

An Act to regulate the ascertainment and payment of compensation for property condemned or taken for public use, (Revision of nineteen hundred). Approved March 20, 1900.

P. L. p. 79.

Supplement approved April 8, 1903.

P. L. p. 342.

Section 15 amended by Act approved April 2, 1906.

P. L. p. 99.

An Act to authorize and empower the Common Council or other governing body of cities of the second class in this state to settle, compromise or offset awards for damages resulting to any owner for the taking of his lands by said city for any public purpose, against any taxes or assessments upon other lands owned by such person. Approved March 25, 1895.

P. L., p. 682.

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### BATHS.

An Act to authorize the establishment and maintenance of free public baths and gymnasiums in the cities of this state. Approved March 22, 1901.

P. L., p. 271.

Sections 1, 2 and 4 amended by Act approved April 9, 1902.

P. L., p. 690.

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### BIDS.

An Act for the punishment of crimes, (Revision of 1898). Approved June 14, 1898. Section 33.

P. L., p. 804.

33. When bids or proposals for supplies or for public works or buildings or other public purposes are asked for by boards of managers having charge of any of the public institutions of this state, or by boards of freeholders, common councils, boards of works or other bodies having control of the counties, cities or other municipal bodies of this state or any department of the same, or any committees representing such boards or bodies, such boards or bodies or committees shall proceed in the manner following, to wit: said boards or governing bodies or committees shall give public notice at the time such bids or proposals are advertised of the time and place when

such bids shall be received, and at such time and place the said board or governing body or committee, being in session, shall receive such bids, and thereupon immediately proceed to unseal the same and publicly announce the contents in the presence of the parties bidding or their agents, providing said parties or agents choose to be then and there present, and also make proper record of the prices and terms upon the minutes of the body; no bids shall be received previous to the hour designated in the public notice, and none shall be received thereafter; and any failure to comply with the provisions hereof shall be a misdemeanor.

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### **BILL - BOARDS.**

An Act to authorize and empower the Common Council or other governing body of cities to regulate by ordinance, the size, height, location, position and material of all fences, bill-boards, signs and advertisements, the manner of securing, fastening and shoring the same, the removal, change and alteration of same now or hereafter in existence, and providing a penalty for violation of such ordinance. Approved April 8, 1903.

P. L., p. 513.

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### **BILLS.**

An Act in relation to the expenditure of money by municipal corporations. Approved April 4, 1871.

P. L., p. 92. G. S., p. 2237.

An Act regulating the receipt and disbursement of money and the passage of ordinances pertaining thereto in any city of this state. Approved March 28, 1904.

P. L., p. 259.



Board of Assessors—See Assessments.

Board of Excise—See Excise.

Board of Health—See Health.

### BONDS.

Any purpose,—April 22, 1902. P. L., p. 782.

City Hall—March 19, 1900. P. L., p. 77.

City Hall Extension—April 3, 1902. P. L., p. 563.

Conduit—April 3, 1902. P. L., p. 561.

Elevating Railroads—March 30, 1904. P. L., p. 372.

Excess of Cost Over Benefit—March 27, 1893. P. L., p. 486.

Fire House—February 27, 1907. P. L., p. 15.

Fund Indebtedness—March 23, 1899. P. L., p. 245.

Fund Indebtedness, amended—April 25, 1907. P. L., p. 253.

Improvement Certificates—April 14, 1895. P. L., p. 275.

Interest Not to Exceed Five Per Centum—March 14, 1893.  
P. L., p. 266. G. S., p. 710.

Judgments, Bonds to Pay—March 8, 1877.  
P. L., p. 70. G. S., p. 696.

Parks—(See Parks)

Refunding—March 15, 1900. P. L., p. 59.

Registered—February 25, 1892. P. L., p. 39.

Renewal—February 18, 1879. P. L., p. 22.

Renewal, Supplement—March 15, 1898. P. L., p. 95.

Renewal—March 4, 1902. P. L., p. 13.

- Renewal—April 9, 1902. P. L., p. 682.
- Restrictions against issuing when city is in default—March 26, 1886. P. L., p. 121.
- Amended March 29, 1887. P. L., p. 67.
- School—March 22, 1882. P. L., p. 150. G. S., p. 3081.
- School—June 3, 1890. P. L., p. 411. G. S., p. 3094.
- School—April 14, 1891. P. L., p. 375. G. S., p. 3095.
- School—March 14, 1893. P. L., p. 261. G. S., p. 3097.
- School—March 22, 1895. P. L., p. 581. G. S., p. 3103.
- School—March 23, 1899. P. L., p. 243.
- School—March 24, 1899. P. L., p. 521.
- School—March 18, 1902. P. L., p. 41.
- Sewers—(See Sewers)
- Street Improvements—April 2, 1898. P. L., p. 204.
- Street Improvements—June 13, 1898. P. L., p. 466.
- Amendment—March 23, 1899. P. L., p. 275.
- Amendment—March 20, 1901. P. L., p. 179.
- Supplement—March 21, 1905. P. L., p. 64.
- Supplement—April 17, 1905. P. L., p. 313.
- Amendment—May 15, 1906. P. L., p. 439.
- Amendment—April 16, 1907. P. L., p. 157.
- An Act to authorize counties, cities, towns, townships, boroughs, villages, school districts, committees, commissions, and all other municipalities of this state to fix the rate of interest on bonds hereafter issued pursuant to the authority of any general or special law or laws of this state at not exceeding five per centum per annum. Approved March 18, 1908. P. L., p. 32.

**BORROW MONEY.**

In anticipation of money received from the State for Schools.  
Approved March 30, 1889.

P. L., p. 130. G. S., p. 798.

In anticipation of taxes and assessments. Approved March 13, 1899.  
P. L., p. 35.

In anticipation of taxes and assessments. Approved June 19, 1906.  
P. L., p. 697.

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**BOUNDARIES.**

An Act to set off a part of the Eighth ward, in the city and county of Camden, and to annex the same to the township of Haddon, in the county aforesaid. Approved April 5, 1878.

P. L., p. 577.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all that part of the Eighth ward of the city and county of Camden lying and being within the following boundaries, to wit: Beginning at a point where the middle line of Kaighns Point avenue intersects the middle line of Tenth street; thence extending in a southerly direction along the middle line of Tenth street to the middle of Van Hook street; thence in an easterly direction along the middle of Vanhook street to a point where the west line of Evergreen cemetery extended northward intersects the middle line of said Vanhook street; thence in a southerly direction along the aforesaid extended line and west line of Evergreen cemetery to the centre of Ferry road; thence along the middle of Ferry road in a westerly direction to a point where the centre line of said Ferry road intersects the west line of lands of Elmer Tice; thence in a southwesterly direction along the southwesterly lines of said Elmer Tice's lands to the middle of North Branch of Newton creek; thence following the centre of said North Branch of said Newton creek, the several courses thereof, in an easterly direction to the middle of the Mount Ephraim

turnpike road; thence in a northwesterly direction along the middle of said Mount Ephriam turnpike road to the intersection of said Mount Ephriam turnpike road and the Ferry road; thence along the middle of said Ferry road, in a northeasterly direction, to the middle of the White Horse turnpike road; thence northeasterly along the middle of the said Ferry road to the middle of the Haddonfield turnpike road; thence in a northeasterly direction, in a straight line with the middle line of the said Ferry road, to the middle of Cooper's Creek; thence down the middle of said creek, in a northwesterly direction, along the several courses thereof, to a point where the extended middle line of Kaighns Point avenue intersects the middle of said creek; thence westerly along the said line (being the southerly line of Seventh ward in the city of Camden) to a point where the middle line of Kaighns Point avenue intersects the middle line of the Haddonfield turnpike road; thence westerly along the middle line of Kaighns Point avenue to the place of beginning, be and the same is hereby set off from the said Eighth ward of the city of Camden and is annexed to and shall constitute a part of the township of Haddon aforesaid, and the inhabitants, with their taxable estates, within the district above described and so annexed, shall be entitled to all the rights, powers and privileges, and subject to the same government, regulations and liabilities as the other inhabitants of the said township of Haddon are or may be entitled or subject to by the laws of this state.

Sec. II. And be it enacted, That the respective owners of all lands lying within the boundaries aforesaid, and hereby set off and annexed to the township of Haddon, shall be liable to the city of Camden pro rata, according to the assessed value of their real estate, as returned by the assessor for the year eighteen hundred and seventy-seven, for their share of any indebtedness of the city of Camden which has been incurred and remains unpaid since February fourteenth, eighteen hundred and seventy-one, when these lands were annexed by law to the city of Camden.

Sec. III. And be it enacted, That to ascertain such share of the aforesaid indebtedness to be paid to the city of Camden by said owners, the city council of the city of Camden shall appoint three of their number, and the town-

ship committee of Haddon township shall also appoint three freeholders and residents of said township, which six persons so appointed shall constitute a board of commissioners and shall meet on the third Monday of May next, in the city hall of said city of Camden, at the hour of ten o'clock in the forenoon of that day, of which this act shall be sufficient notice of said time and place of meeting, with power to adjourn from time to time, for the purpose of adjusting and fixing the amount or share of such indebtedness to be paid to the city of Camden as aforesaid by the respective owners of the lands hereby set off and annexed to the township of Haddon, and the report of said commissioners, or a majority of them, made to the city council and township committee aforesaid, in writing, shall be binding and conclusive on all parties concerned, and that said moneys shall be paid within three months from the date of said report, or this act shall be null and void.

Sec. IV. And be it enacted, That this act shall be deemed a public act, and take effect immediately.

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### **BOUNDARY LINE.**

An Act to make the boundary line between adjoining municipalities the middle of any public road, avenue or street along which a boundary line runs, and relating to public improvements made on either side of such boundary line. Approved March 16, 1898.

P. L., p. 109.

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### **BRIBES.**

A Supplement to an act entitled "An Act for the punishment of crimes" (Revision of 1898), approved June 14, 1898. Approved April 15, 1908.

P. L., p. 587.

Constitutes the improper influencing of employes or agents by gratuities or gifts, a misdemeanor.

**BUILDINGS.**

An Act concerning inspectors of buildings in cities of this state.  
Approved April 28, 1886.

P. L., p. 321. G. S., p. 575.

Amended March 8, 1899.

P. L., p. 21.

An Act in regard to the numbering of houses in cities. Approved  
March 12, 1884.

P. L., p. 75. G. S., p. 794.

An Act to authorize the purchase and erection of public buildings  
and the purchase of land thereof in cities. Approved May  
12, 1896.

P. L., p. 351.

An Act to authorize the purchase of lands and the erection and  
furnishing of city halls in cities. Approved March 19, 1900.

P. L., p. 77.

An Act to authorize and empower the board of aldermen, common  
council or other governing body of any city in this state by  
ordinance to regulate and control the erection and construc-  
tion of buildings, and to provide for the enforcement of such  
ordinance. Approved March 26, 1902.

P. L., p. 180.

An Act to enable cities in this state to extend city hall buildings.  
Approved April 3, 1902.

P. L., p. 563.

An Act to authorize cities in this state to purchase lands and  
erect suitable buildings for city purposes, and to sell lands and  
buildings now used for such purposes. Approved April 17,  
1903.

P. L., p. 736.

An Act to authorize cities in this state to insure their buildings.  
Approved March 14, 1905.

P. L., p. 55.

An Act to authorize cities in this state to acquire lands, by agreement with the owner or owners or by condemnation, and erect and furnish suitable buildings for city purposes, and to provide the methods, means and funds therefor, including the right to sell lands and buildings now used for such purposes, the proceeds of such sale to be used toward paying for the lands so acquired and erecting and furnishing such new buildings. Approved March 27, 1908.

P. L., p. 48.

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### CENSUS.

An Act to authorize cities in this state to provide for a census of the inhabitants thereof. Approved April 7, 1903.

P. L., p. 221.

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### CITY COUNCIL.

An Act to authorize the common council or other governing bodies in the cities of this state to designate who shall perform the duties of certain officials when such officials are temporarily absent or unable to perform their duties by reason of sickness. Approved April 1, 1887.

P. L., p. 102. G. S., p. 577.

Relates to treasurer and other heads of departments.

An Act concerning the constitution of the common council, board of aldermen or other governing body of certain cities in this state. Approved March 7, 1893.

P. L., p. 95. G. S., p. 580.

An Act relating to aldermen and members of common councils in cities of this state. Approved June 13, 1895.

P. L., p. 813. G. S., p. 582.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That no alderman or common councilman or member of any board of aldermen or member of any common council of any city of this state, shall

hold office or perform the duties of alderman or member of any board of aldermen or common council in this state after the expiration of the term for which he was, has been or shall hereafter be elected, notwithstanding that his successor or their successors in office may not have been elected, or, if elected, may not have qualified.

2. And be it enacted, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

#### **SPECIAL MEETINGS.**

**An Act concerning cities. Approved March 22, 1895.**

P. L., p. 646. G. S., p. 803.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in all cities of this state it shall and may be lawful for the president of city council, board of aldermen or other governing body, to call special meetings of city council, board of aldermen or other governing body, when the public good shall, in his opinion render it necessary; and on the request of one-fourth of the total membership of the city council, board of aldermen or other governing body, in writing, addressed to the president, it shall be his duty, or in his absence it shall be the duty of the city clerk, to call a special meeting.

2. And be it enacted, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 22, 1895.

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#### **CLASSIFICATION OF CITIES.**

**An Act for the classification of cities of this state for the purposes of municipal legislation in relation thereto. Approved March 4, 1882.**

P. L., p. 47. G. S., p. 458.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That from and after the passage of this act, the classification of the cities of this state



shall, for the purposes of municipal legislation in relation thereto, be as follows, viz.: "cities of the first class," "cities of the second class," "cities of the third class," "cities of the fourth class."

**Section 2 amended by Act of March 18, 1901.**

P. L., p. 78.

2. And be it enacted, That "cities of the first class" shall consist of all cities in this state that have within their territorial limits a population exceeding one hundred thousand inhabitants; that "cities of the second class" shall consist of cities in this state that have a population within their territorial limits of not less than twelve thousand nor more than one hundred thousand inhabitants; and that "cities of the third class" shall consist of all cities in this state not embraced within either the first or second class as herein distinguished, except cities binding upon the Atlantic Ocean, and being seaside or summer resorts: "cities of the fourth class," shall consist of the cities of this state binding upon the Atlantic Ocean and being seaside or summer resorts.

3. And be it enacted, That it shall be a sufficient classification of cities to which any law hereafter enacted shall apply, to refer in any such law to cities under the classification herein provided by the classification herein designated, and such law shall be construed to apply to and embrace all cities of the class referred to in the act; and all courts of this state shall take notice of this classification and construe all legislation founded upon the classification herein designated, as if this act were a part of the law under consideration, when any law passed on the basis of the classification in this act shall in any wise be called in question.

4. And be it enacted, That this act shall take effect immediately.

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## CONDEMNATION.

**An Act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of one thousand nine hundred). Approved March 20, 1900.**

P. L., p. 79.

### CONDUITS.

An Act relating to cities of the second and third class. **Approved** March 25, 1884.

P. L., p. 94. G. S., p. 795.

Empowers council to authorize electric light wires to be placed in underground conduits.

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### DOCKS.

An Act to authorize the common council or similar municipal body in any city to build and maintain a dock or wharf opposite said city, and at the end of any street thereof. **Approved** March 29, 1878.

P. L., p. 221. G. S., p. 665.

An Act to authorize cities in this state to purchase lands for the erection of and to construct public docks, wharves, and piers, and to purchase and improve rights of way leading thereto, and to purchase lands lying contiguous thereto, so as to make said lands, docks, wharves and piers accessible.. **Approved** April 17, 1888.

P. L., p. 447. G. S., p. 678.

Section 1 amended.

P. L., 1901, p. 203.

Section 2 amended.

P. L., 1901, p. 203.

Section 3 amended.

P. L., 1901, p. 203.

An Act providing for the construction and maintenance of public docks, wharves, piers and bulkheads by cities. **Approved** March 17, 1899.

P. L., p. 83.

Section 1 amended.

P. L., 1901, 275.

Act of October 21st, 1907.

P. L., p. 686.

Adopted by voters of the city of Camden at election held on November 3rd, 1908.

**ELECTIONS.**

**An Act relative to the time of election and appointment and terms of office of officers elected or appointed in cities in this state.**  
**Approved February 28, 1901.**

P. L., p. 41.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Hereafter, in all cities in this state, all officers required to be elected therein at any municipal or charter election, shall be voted for and elected on the first Tuesday after the first Monday of November in each year, and with the same registration and upon the same official ballots required by law for the election of state and county officers, and not otherwise; and the said ballots voted as aforesaid for such officers shall be canvassed, and the result of any such election therefor shall be determined as now provided by law in the case of county officers, and certified to the clerk of such city; it being the intention hereby to consolidate the municipal or charter election in cities with the general or state election.

2. The term of office of every such elective officer (except justices of the peace) heretofore elected in any city, and holding office at the passage of this act, shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; provided, that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

3. Every officer heretofore appointed by the mayor in any city, or appointed or chosen by the common council or other governing body of any city, and holding office therein at the passage of this act, shall continue in office, and his term of office shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; provided, that this section shall not

apply to any officer whose term of office now expires by law on the first day of January in any year.

4. The terms of office of all officers (except justices of the peace) hereafter elected in any city shall commence at twelve o'clock noon on the first day of January next succeeding their election, and continue for the respective terms of years now fixed by law; and the terms of office of all officers hereafter appointed by the mayor of any city, or appointed or chosen by the common council or other governing body of any city, except to fill vacancies, shall commence on the first day of January of the year in which they are appointed, and continue for the respective terms of years now fixed by law, when said term is for a definite period; provided, however, that no appointment of any officer shall be made by the mayor of any city for a term of office to commence after the expiration of the term of said mayor, or by the common council or other governing body of any city for a term of office to commence after the expiration of the term of any member of said common council or other governing body.

5. All vacancies in offices in any city of this state arising from or created by any other cause than expiration of term of office, shall be filled for the unexpired term only; vacancies in elective offices shall hereafter be filled at the next general or state election, and not otherwise.

6. The powers, duties and authority of every officer whose term of office is extended by this act, are hereby continued in full force and effect for and during the period of such extension.

7. Every officer now or hereafter holding any office covered by the provisions of this act, except justices of the peace, shall continue to hold such office, and to exercise the duties thereof, notwithstanding the time limited for its continuance shall have expired, until his successor has been chosen and qualified, unless sooner removed in the manner provided by law.

8. All acts and parts of acts, special or general, inconsistent with the provisions of this act, are hereby repealed.

9. This act shall take effect immediately.

**A Supplement to an act entitled "An act relative to the time of election and appointment and terms of office of officers elected or appointed in cities in this state," approved February twenty-eighth, one thousand nine hundred and one. Approved April 3, 1902.**

P. L., p. 458.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The term of office of every elective officer (except justices of the peace) holding office in any city at the passage of the act to which this is a supplement, which term, prior to the passage of said act, would regularly expire after the first and on or before the seventh day of January in any year, shall be and hereby is limited and abridged so as to expire at twelve o'clock noon on the first day of January of the year in which his term of office would otherwise expire.

2. The election of all persons voted for as elective officers of any city, and officially returned as elected after the passage of the act to which this is a supplement, and before the passage of this supplement, to succeed elective officers theretofore elected for terms expiring after the first and on or before the seventh day of January last (except justices of the peace), is hereby ratified and confirmed, and the terms of their predecessors terminated, and all persons so officially returned as elected shall be deemed legally elected and shall continue to hold office for the terms for which they were respectively elected, or intended to be elected as aforesaid, and with the same force and effect as if the terms of their predecessors had in fact expired on the first day of January last.

3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

**An Act to provide for the purchase of voting machines, and to regulate the use of the same at elections. Approved April 28, 1905.**

P. L., p. 386.

Provides for the use of voting machines at all elections.

**Supplement approved April 10, 1908.**

P. L., p. 266.

An Act to abolish the "State Board of Voting Machine Commissioners," and to cast the duties of said Commissioners upon the Secretary of State. Approved October 12, 1907.

P. L., p. 681.

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### **ELECTRIC LIGHT PLANT.**

An Act to enable and empower cities to construct, maintain and operate a municipal light, heat and power plant or plants, and to purchase all necessary real estate and works and machinery for supplying light, heat and power for public and private use in such city. Approved July 5, 1906.

P. L., p. 711.

Adopted by voters of city of Camden, at election held in November 1906.

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### **EXCISE.**

An Act to establish an excise department in cities of this state. Approved April 8, 1902.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In all cities of this state it shall and may be lawful for the common council or other governing board of said city, to pass, enforce, alter and repeal ordinances to take effect within said city for the following purposes, to wit, to provide for the establishment of a board of excise commissioners, to consist of five members, to serve for the term of three years, which board shall be elected on a general ticket at the election in such city next after the passage of such ordinance, in the same manner as other officers in said city are elected; that the salary of said commissioners shall be fixed by ordinance, but shall not exceed the sum of three hundred dollars each per year, and the said salary shall be paid out of the license fees; that such board of excise commissioners shall have

power within such city to make, establish, amend or repeal ordinances and by-laws, to license and regulate or prohibit inns and taverns, restaurants and beer saloons, and when licensed, to revoke or transfer such license and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate or prohibit billiard saloons and bowling alleys, and to prescribe and enforce a penalty or penalties, either by fine or imprisonment, for the violation of such ordinance or by-laws, which said penalties shall be enforced and collected by said board of excise commissioners, in the same manner as any other penalties are enforced and collected in any such city, and that every ordinance or by-law of such board of excise commissioners shall, after its introduction and before its final passage, be published, for two insertions in two newspapers, if so many there be published and circulating in such city, and be concurred in by at least two members of such board of excise commissioners as may be present at its final passage; and no other license for such purposes within said city, granted by any other authority, shall be lawful; that all fees for licenses granted by said commissioners shall be paid to the city clerk, who shall, in addition to his other duties, act as the clerk of said commissioners, and by him be paid over to the city treasurer; provided, however, that nothing in this act contained shall be held to repeal or alter any law of this state concerning any misdemeanor or other crime.

2. No such ordinance shall be passed or repealed in any city unless two-thirds of the members of the common council or other governing body of such city shall vote therefor.

3. It shall thereupon be the duty of the city clerk or other official charged with such duty, to give notice of the proposed election for such excise commissioners in the same manner as is required by law for other officers of said city.

4. The said excise commissioners shall give such bond for the faithful performance of their duties as the common council or other governing board of said city shall fix by ordinance, and they shall enter upon the duties of their office at twelve o'clock noon on the first day of January next succeeding their election.

5. All acts and parts of acts, general and special, inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

**An Act to authorize the transfer and revocation of licenses granted by the excise board of any city in this state and to authorize such boards to appoint a license inspector and fix the compensation of such officer. Approved May 6, 1889.**

P. L., p. 359. G. S., p. 1815.

**A Supplement to an act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," approved March twentieth, one thousand eight hundred and eighty-nine. Approved April 13, 1906.**

P. L., p. 199.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. Section one of the act to which this act is a supplement is hereby amended so that the same shall read as follows :

1. Hereafter no license to keep an inn or tavern, or to sell spirituous, vinous, malt or brewed liquors in quantities less than one quart, shall be granted by any court, excise board, or other board or authority having power by law to grant license, except upon payment, by the applicant or licensee, of a license fee as hereinafter mentioned : that is to say, in all townships, towns, boroughs, villages, or cities having by the census last preceding the granting of such license a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs, villages or cities having by such census a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs, villages or cities having by such census a population exceeding ten thousand, a license fee of not less than three hundred dollars. No license shall be granted for a longer period than one year, and any person selling, or offering or exposing for



sale, any of the liquors aforesaid, in quantities less than one quart, without a license for that purpose first had and obtained, shall be guilty of the offence of keeping a disorderly house.

2. Section three of the act to which this act is a supplement is hereby amended so that the same shall read as follows:

3. Applications for such license as is mentioned and referred to in the second section of this act shall be made, in each municipality, to the same body as applications for license to sell any of said liquors by less measure than one quart are or shall be required by law to be made, which applications shall be written or printed, or partly written and printed, signed by the applicant and specifying the kind or kinds of liquor, or liquors, to be sold, and stating the township, town, borough or city, and the building or place therein, in which the sale of such liquors is to be carried on; the body to which any such application is presented may, on the presentation thereof, or at some other time to which the same may be deferred, in its discretion, grant or refuse such application for license; such license, if granted, shall not be granted for a longer period than one year, nor except upon payment, by the licensee, of a license fee as hereinafter provided; that is to say, in all townships, towns, boroughs or cities having by the census last preceding the granting of such license a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs, villages or cities having by such census a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs, villages or cities having by such census a population exceeding ten thousand, a license fee of not less than five hundred dollars. No license shall be granted for a longer period than one year, and any person selling, or offering or exposing for sale, any of the liquors aforesaid, in quantities less than one quart, without a license for that purpose first had and obtained, shall be guilty of the offense of keeping a disorderly house; and no license to keep an inn or tavern shall be granted to any person who is not a citizen of the United States and who has not been a resident of the city, town, township or other munici-

pality wherein said inn or tavern exists for at least one year.

3. Section ten of the act to which this act is a supplement is hereby amended so that the same shall read as follows:

10. If the holder of any such license as is mentioned and referred to in the first three sections of this act, shall contrary to law sell, or offer for sale, barter, or give, or suffer to be sold, or offered for sale, bartered or given, within his tavern, beer shop, liquor saloon or other premises, any spirituous, vinous, malt or brewed liquors, on the first day of the week, commonly called Sunday, or shall give, or sell, or offer to be given or sold, any such liquors, to any minor, or apprentice, contrary to law, or shall sell, or furnish, any of the liquors aforesaid, to any person known in the neighborhood to be of confirmed intemperate habits, or who is visibly under the influence of intoxicating liquors, or shall keep a disorderly house, or shall harbor drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes or other disorderly persons, or shall suffer gambling or unlawful games of chance or other unlawful acts to be done or carried on in his tavern, beer shop, liquor saloon, or other premises, or shall sell, give or deliver any spirituous, malt, brewed or other intoxicating liquors to any minor under the age of twenty-one years for himself, herself or to any such minor for any other person, or shall permit any boy or girl under twenty-one years of age to lounge in or frequent the same, or shall violate any law of the State regulating the sale of intoxicating liquors, his license shall thereby, upon conviction, become forfeited and void, and upon complaint of any two persons resident in the township or municipality wherein such license is used and exercised, verified by the oath of such complainant, being presented to the court or other body by which the license to the person complained against was granted, alleging that any such license as aforesaid has become forfeited and void, and specifying the acts complained of which shall be alleged to have worked such forfeiture, it shall be the duty of the court or other body in which such complaint may be presented, forthwith to cause to be indorsed on such complaint an order that the person

complained against show cause before such court or other body granting such license, at a time and place to be specified in such order, not less than ten, nor more than thirty days from the making thereof, why his license should not be declared forfeited and revoked; said complaint and order shall be filed with the court or other body making the same, and a copy thereof served upon the person complained against, personally, or by leaving the same at his residence or his tavern, beer shop, liquor saloon or other licensed place, at least five days before the return of said order; and a copy thereof shall also be served upon the owner of the premises, either personally or by leaving the same at his residence, if in this state, or if not so resident, by publication in some newspaper printed and published in the municipality wherein the premises are situate, if any such there be, and if not, then in some newspaper printed and published in the county wherein said municipality is situate, and a copy thereof mailed to such owner at his post-office address, if the same can be ascertained, at least five days before the return of said order; and all such complaints shall be heard in a summary way, the burden of proof being upon the complainant, and either party may have the attendance of, and be represented and heard by counsel; if, on such hearing, the defendant shall be found guilty of the offenses specified in said complaint, or any of them, judgment shall be rendered that the license theretofore granted such person be declared forfeited and void, and that the same is revoked and annulled; and in case the defendant be found not guilty the order to show cause shall be discharged; in case a license be revoked, the person to whom the same was granted shall be disqualified for one year from receiving a license in this state, and for the same period no license shall be granted to sell spirituous, vinous, malt or brewed liquors in the premises for which the forfeited license was granted; the court or body making such order to show cause may require the complainant to file a stipulation for costs, and the costs of such hearing shall be paid by the defendant, if found guilty, and by the complainant if the rule or order to show cause be discharged; costs to be ascertained and determined by the court or body before which the hearing shall take place; the remedy provided in this section is in addition to the other penalties provided by law.

4. Section eleven of the act to which this act is a sup-

plement, and which was amended by an act approved March eighth, nineteen hundred and five, is hereby further amended so as to read as follows:

11. No license shall be granted to sell spirituous, vinous, malt or brewed liquors by less measure than one quart in any store, shop, apartment, or place in which a grocery or other mercantile business (excepting the keeping of a restaurant, or the sale of tobacco and cigars by retail) is carried on, or in any new place within two hundred feet of the curtilage of a church edifice, school-house, or armory, measured between the nearest point of the same and nearest point of the building wherein such liquors, or any of them, are intended to be sold; or if not in an inn and tavern, or a hotel having at least ten spare rooms and beds for the accommodation of boarders, transients and travelers, or a restaurant where the business of furnishing meals to the public, for compensation, is regularly carried on, and which restaurant is conducted and operated on more than one floor or story of the building where such business is carried on, or a picnic or recreation ground, or a building with a bowling alley, or a building entirely occupied by a regularly-organized club or association, in any place, except in a bar or business room, upon the ground floor or basement of a building on a public street.

If not in an inn and tavern, or a hotel having at least ten spare rooms and beds for the accommodation of boarders, transients and travelers, or a restaurant where the business of furnishing meals to the public, for compensation, is regularly carried on, and which restaurant is conducted and operated on more than one floor or story of the building where such business is carried on, or a picnic or recreation ground, or a building with a bowling alley, or a building entirely occupied by a regularly-organized club or association, no spirituous, vinous, malt, brewed or other intoxicating liquors shall be sold or served under such license in any room, except in such bar or business room, and the clear interior view of the whole of said bar or business room (except for toilet purposes) shall be in no way obstructed by a screen, non-transparent glass, shade, blind, door, shutter or merchandise, or any other article placed in any of said rooms. The court, excise board, or other board or authority having power by law to grant licenses in any

municipality of this state, if said license is not in an inn and tavern, or a hotel having at least ten spare rooms and beds for the accommodation of boarders, transients and travelers, or a restaurant where the business of furnishing meals to the public, for compensation, is regularly carried on, and which restaurant is conducted and operated on more than one floor or story of the building where such business is carried on, or a picnic or recreation ground, or a building with a bowling alley, or in a building entirely occupied by a regularly-organized club or association shall upon the days and times when the sale of liquors or other intoxicating drinks is by law prohibited to be sold, may at any or all other times, require that the entire interior of such bar or business room in which such liquors and other intoxicating drinks are sold and served shall, during the entire prohibited time, or may at any or all other times, as may be required by such authority, be open to full view from the public street; and upon the making of an order to that effect by the court, excise board or other authority having power to grant such licenses a full view of the entire interior of such bars or business rooms in such municipality shall not thereafter during the times so specified as aforesaid be obstructed from the public street by the use of non-transparent glass, or of a shade, blind, shutter, screen, merchandise or any other article placed within or without the building in which such room is located.

For a violation of any of the provisions of this section the license held by the person or persons so offending shall be forfeited in the manner provided by law; and any person or persons, whether licensed or unlicensed, engaged in carrying on the sale of liquors, who, directly or indirectly, violates the provisions of this section shall be guilty of the offense of keeping a disorderly house.

5. Hereafter, in all instances where excise commissioners are now, by law appointed by the mayor or governing body of any municipality in this state, such commissioners shall be appointed by the Court of Common Pleas of the county in which such municipality is located, and the term of office of all such excise commissioners, now holding office, shall cease and terminate at the expiration of twenty days after this act takes effect, and the appointments first made under this act shall be to fill the unexpired term of such excise commissioners.

**FIRE DEPARTMENT.**

An Act respecting the fire department of cities and regulating the tenure and terms of office of officers and men employed in said fire departments. Approved March 24, 1885.

P. L., p. 130.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in the several cities of the state the officers and men employed by municipal authority in the fire department of any city shall severally hold their respective offices and continue in their respective employment as such municipal officers and employes during good behavior, efficiency and residence in such city, except where, by statute, the term of any such officer and employe is determined and fixed and does not depend upon the pleasure or caprice of any municipal officer, officers or board authorized to make appointment or employment in said department; and no person shall be removed from office or employment in the fire department of any such city, or from the fire department force of any such city, for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established or which may be established for the fire department or force of such city; provided, that any member of the fire force of any such city who shall be absent from duty, without leave, for the term of five days, shall be deemed deserving of expulsion from such fire force.

2. And be it enacted, That it shall be lawful, for the better government of and discipline of the fire department in the cities of the State, for the municipal authority or authorities in any city whose duty it is or may become to provide for, regulate or manage a fire department in such city, from time to time to prescribe and establish just rules and regulations respecting said department.

3. And be it enacted, That no person, whether officer or employe, in the fire department of any such city, shall be removed from office or employment therein, except for just cause, as provided in the first section of this act, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against any

such officer or employe, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the said fire department, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person, against whom charges for any cause may be preferred under this act, a fair trial upon said charges and every reasonable opportunity to make his defence, if any he has, or chooses to make.

4. And be it enacted, that all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

**An Act providing for the pensioning of firemen in certain cities of this state. Approved April 23, 1897.**

P. L., p. 263.

Provides that in all cities having a paid fire department, firemen incapacitated by age or injury received in the discharge of duty may be pensioned.

**Sections 1 and 2 amended by act of April 8, 1903.**

P. L., p. 448.

**An Act to enable cities to purchase land, erect buildings thereon, and equip the same for fire department purposes. Approved April 17, 1905.**

P. L., p. 316.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Whenever the board of fire commissioners or other authority entrusted with the government, control and management of the fire department and the direction and control of all fire matters in any city in this state shall certify, in writing, to the board of aldermen, common council or other board or body charged with the management and control of the finances of such city that the necessity exists for the purchase of land and the erection thereon of a building or buildings and the equipment of

the same with apparatus and appliances necessary and suitable for fire department purposes, said board or body having the management and control of the finances of said city may, in their discretion, borrow such sum or sums for the purpose aforesaid and may secure the repayment of the sum or sums so borrowed by the issue of bonds in the corporate name of such municipality: bonds so issued shall be designated "fire bonds," shall bear interest at a rate not exceeding five per centum per annum, and shall be of such denomination as said board or body having the management and control of the finances of said city may determine, and shall be made payable in not more than twenty years from the date thereof; said board or body having the management and control of the finances of said city may dispose of said bonds for the best price that can be obtained, but at not less than par value and accrued interest, and shall provide for the redemption thereof and the payment of the interest thereon by taxation: such bonds may be registered or coupon bonds or may be registered and coupon bonds combined, at the option of such board or body having the management and control of the finances of said city: and out of the proceeds of the sale thereof the said body having the management and control of the finances of such city shall pay the cost of purchasing said land and erecting said buildings, and the balance, in whole or in part, remaining unexpended after the payments last aforesaid shall be, by such body having the management and control of the finances of such city, appropriated and paid over to the board of fire commissioners, or other authority entrusted with the government, control and management of the fire department of said city as aforesaid, and by said fire commissioners, or other authority, expended and applied in and about the equipment of said buildings with such appliances and apparatus as may, in their judgment be necessary and suitable for fire department purposes, and for no other purpose or purposes whatever: provided, that said board or body having the management and control of the finances as aforesaid shall not issue bonds under the provisions of this act to an amount exceeding twenty-five thousand dollars for the purpose of purchasing land and the erecting and equipping of any one building.

2. All acts and parts of acts, general, special and



local, inconsistent with the provisions of this act be and the same are hereby repealed, and that this act take effect immediately.

**An Act to authorize cities to purchase steam fire engines and apparatus and appliances and to repair the same, and to repair or reconstruct buildings used for fire department purposes and to provide a method for raising money for the payment thereof. Approved April 13, 1908.**

P. L., p. 411.

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## **FIRE ESCAPES.**

**An act respecting fire escapes or means of exit in and upon buildings in cities or municipal corporations. Approved March 25, 1881.**

P. L., p. 254. G. S., p. 1489.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the common council, board of aldermen, or other governing body of all cities or municipal corporations in this State, are hereby authorized, empowered and required to pass, ordain and enforce ordinances and regulations and penalties respecting the building, erection, equipment, maintenance and use of proper and efficient fire escapes or means of exit, in and upon hotels, theatres, halls, school houses and other public buildings, manufactories or other buildings where operatives are employed.

2. And be it enacted, That this shall be a public act, and take effect immediately.

**An Act relative to fire escapes in cities. Approved March 28, 1892.**

P. L., p. 296. G. S., p. 1522.

Authorizes council to designate what kind of fire escapes shall be erected on buildings, and to enforce such regulations by fines.

**FISCAL YEAR.**

An Act concerning the government of cities of the second class.  
Approved March 13, 1883.

P. L., p. 100. G. S., p. 512.

Authorizes change of fiscal year.

An Act relating to the fiscal year of cities.. Approved April 12,  
1886.

P. L., p. 213. G. S., p. 796.

Provides that unexpended balances of taxes may be  
used for expenses caused by the change of fiscal year.

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**FLAGS.**

An Act regulating the display of national flags or ensigns other  
than the American flag or ensigns on public buildings of this  
state. Approved March 7, 1895.

P. L., p. 205. G. S., p. 2259.

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**FOUNDATION WALLS.**

An Act entitled "An Act relating to the depth and construction  
of foundation walls of buildings and the responsibility of  
adjoining property-owners to each other in cities in the state  
of New Jersey. Approved May 10, 1884.

P. L., p. 338. G. S., p. 795.

Provides that council may provide by ordinance for the  
depth and construction of foundation walls.

**FRANCHISES.**

An Act to regulate the granting by municipalities of consent to the use of streets, avenues, parks, parkways, and other public places. Approved March 27, 1906.

P. L., p. 50.

Supplement approved April 30, 1906

P. L., p. 311.

Supplement approved May 8, 1907.

P. L., p. 385.

First section of supplement of May 8, 1907, amended by Act approved April 13, 1908.

P. L., p. 415.

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**GARBAGE.**

An Act concerning the collection, removal and disposal of ashes and garbage in cities of this state and providing for the payment of the cost thereof. Approved March 9, 1896.

P. L., p. 56.

Amended by act approved March 27, 1902.

P. L., p. 200.

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**HEALTH.**

An Act to establish in this state boards of health and a bureau of vital health statistics, and to define their respective duties. Approved March 31, 1887.

P. L., p. 80. G. S., p. 1634.

Supplement approved February 22, 1888.

P. L., p. 89. G. S., p. 1642.

Supplement approved May 9, 1889.

P. L., p. 401. G. S., p. 1643.

Supplement approved March 29, 1892.

P. L., p. 342. G. S., p. 1644.

Supplement approved March 29, 1892.

P. L., p. 353. G. S., p. 1645.

Supplement approved March 17, 1893.

P. L., p. 378. G. S., p. 1645.

Supplement approved March 17, 1893.

P. L., p. 405. G. S., p. 1645.

Supplement approved March 27, 1893.

P. L., p. 485. G. S., p. 1646.

Supplement approved May 24, 1894.

P. L., p. 495. G. S., p. 1646.

Supplement approved April 23, 1897.

P. L., p. 270.

Supplement approved March 20, 1901.

P. L., p. 180.

Supplement approved April 3, 1902.

P. L., p. 281.

Supplement approved April 3, 1902.

P. L., p. 402.

Supplement approved April 8, 1903.

P. L., p. 453.

Supplement approved March 28, 1904.

P. L., p. 247.

Supplement approved April 19, 1906.

P. L., p. 244.

Amendment approved April 16, 1908.

P. L., p. 607.

An Act concerning registrar of vital statistics in cities of the second class in this state. Approved March 21, 1895.

P. L., p. 401.

An Act concerning the use of moneys collected for permits issued by the health department of cities of this state. Approved May 2, 1885.

P. L., p. 323.

An Act empowering boards of health in any incorporated municipality in this state to pass and enforce ordinances regulating scavengers. Approved March 24, 1898.

P. L., p. 164.

## HOSPITALS.

An Act authorizing the establishment of hospitals in the cities of this state. Approved February 23, 1883.

P. L., p. 47. G. S., p. 1689.

Supplement approved February 13, 1884.

P. L., p. 16. G. S., p. 1690.

Supplement approved May 2, 1885.

P. L., p. 325. G. S., p. 1690.

Supplement approved February 27, 1893.

P. L., p. 32. G. S., p. 1690.

An Act to enable cities which have no city hospitals to assist in maintaining hospitals located in such city. Approved March 22, 1886.

P. L., p. 97. G. S., p. 1691.

An Act concerning city hospitals and providing for their enlargement, reconstruction and repair. Approved May 17, 1894.

P. L., p. 407. G. S., p. 1692.

Supplement approved March 21, 1899.

P. L., p. 177.

P. L., p. 48.

An Act to authorize and provide for the establishment and maintenance of hospitals for contagious diseases for cities in this State. Approved March 23, 1900.

P. L., p. 321.

Supplement approved April 3, 1902.

P. L., p. 559.

An Act to authorize cities in this State to construct hospital buildings and to purchase land therefor. Approved April 7, 1903.

P. L., p. 208.

An Act to enable cities of this State to appropriate money for the support of hospitals. Approved March 30, 1904.

P. L., p. 392.

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## INDEBTEDNESS.

An Act in relation to the expenditure of public money by municipal corporations. Approved April 4, 1871.

P. L., p. 92.

Requires bills to be itemized and sworn to.

## INVESTIGATIONS.

An Act to provide for the summary investigation of county and municipal expenditures. Approved February 6, 1907.

P. L., p. 12.

Amended by act approved April 13, 1908.

P. L., p. 383.

Provides for investigation of municipal expenditures on petition of twenty-five freeholders.

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## LIBRARY.

An Act authorizing any municipality in this state to accept a conditional gift of a library building or moneys donated to erect a library building, and authorizing such municipality to purchase a site therefor and to annually appropriate for the maintenance of a free public library the amount required by the condition annexed to such gift. Approved April 2, 1902.

P. L., p. 255.

An Act authorizing cities to agree to annually appropriate a fixed amount for the use of free public libraries. Approved April 9, 1902.

P. L., p. 665.

An Act concerning free public libraries. Approved April 14, 1905.

P. L., p. 273.

This act was adopted by the voters of the city of Camden at the November election, 1905.

### An Act concerning free public libraries.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

#### I. ESTABLISHMENT OF LIBRARIES IN CITIES, BOROUGHS, TOWNS, TOWNSHIPS AND VILLAGES.

1. Any city, borough, town, township, or village

may, in the manner hereinafter provided, establish a free public library within its corporate limits.

2. The governing body of any such municipality shall observe the provisions of this act when the same shall be assented to by a majority of the legal voters in such municipality at any election, general or special, at which the adoption of this act shall be submitted to vote by direction of such governing body; such question may be submitted to vote either at a general election or at a special election to be held for that purpose; the clerk of such municipality shall cause public notice of such general or special election to be given by advertisement, signed by himself and set up in at least five public places in such municipality for at least ten days previous to the date of such election and published for the same period in two newspapers printed or circulating in such municipality. The ballots used at such election shall be printed or written, or partly printed and partly written, and the question of the adoption of the provisions of this act may be printed or written on the ballots used at a general election, on which may be the words "for a free public library" and "against a free public library," and the election officers of any such municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of such governing body. Where the voter shall strike off the ballot the words "against a free public library" such vote shall be counted as in favor of the adoption of this act; where the voter shall strike off the ballot the words "for a free public library" such vote shall be counted as against the adoption of this act; if neither the words "for a free public library" nor "against a free public library" shall be stricken off any ballot such ballot shall not be counted for or against the adoption of this act; where any municipality shall vote against the establishment of a free public library such vote shall not preclude the holding of another election, general or special, to vote for or against the adoption of the provisions of this act.

3. If a majority of the votes so counted shall contain the words "for a free public library" the provisions of this act shall be deemed to have been adopted, and it shall become the duty of the governing body, or appropriate

board of said municipality, annually thereafter to appropriate and raise by taxation a sum equal to one-third of a mill on every dollar of assessable property within such municipality.

4. It shall be lawful to raise by taxation annually for the support and use of said library, in addition to the sum required to be raised by section three, a sum not exceeding one-sixth of a mill on every dollar of assessable property in such municipality; and the sums assessed and collected by virtue of this act shall be used for no other purpose than for the use of a free public library.

## II. APPOINTMENT, POWERS AND DUTIES OF TRUSTEES OF FREE PUBLIC LIBRARIES.

5. A board of trustees of the free public library shall be formed immediately in any municipality which shall adopt the provisions of this act, said board to consist of seven members, one of whom shall be the mayor or the chairman of the governing body of such municipality, as the case may be, ex-officio, and one the superintendent of public instruction of such municipality ex-officio, or in case such municipality shall have no superintendent of public instruction, then the president of the board of education, ex-officio, and five citizens to be appointed by the mayor or chairman of the governing body of such municipality from among the residents therein; such appointments, in all municipalities except cities, to be made by and with the consent of the governing body of such municipality, and for the terms of one, two, three, four and five years respectively, as they may be selected by such mayor or chairman. Upon the expiration of the term of office of any trustee the mayor or the chairman of the governing body of such municipality shall appoint some citizen for a term of five years in the same manner as the original appointment was made; vacancies occurring in said board of trustees shall be filled for the unexpired term only, in the same manner as the original appointments are made.

6. The board of trustees shall be a body corporate under the name of "the trustees of the free public library of \_\_\_\_\_" (naming said municipality wherein said library shall be established).



Said trustees shall have corporate powers of succession, may sue and be sued, and adopt a corporate seal; said board shall meet at some convenient time and place in said municipality within ten days of the time of their appointment; they shall immediately proceed to organize by the election from their members of a president, treasurer, and secretary, who shall hold their offices for one year and until their successors are elected; they shall also make and execute under their hands and seals a certificate setting forth their appointment and their organization and the names of their officers elected; such certificate shall be acknowledged in the same manner that conveyances of real estate are required to be acknowledged, and recorded in the clerk's office of the county in which such municipality is located. They shall also send a certified copy of such certificate to the office of the secretary of state, at Trenton, to be there filed of record, but shall not be required to pay any fees for such recording and filing. The said certificate, or copy thereof duly certified by the secretary of state or by the clerk of the county, shall be evidence in all courts and places of the incorporation of the said board. Said board shall hold in trust and manage all property of said library; it shall have power to rent rooms, or, when proper, to construct buildings for the use of said library; to purchase books, pamphlets, documents, papers and other reading matter; to hire librarians and other necessary servants, and fix their salary or salaries; to make proper rules and regulations for the government of said library, and generally to do all things necessary and proper for the establishment and maintenance of the free public library in such municipality. The treasurer of said board shall give bond in an amount to be fixed by the mayor of any city or by the governing body of any municipality other than a city, payable to said municipality by its corporate name, conditioned for the faithful performance and discharge of his duties. And such board shall, by its treasurer, upon its warrant signed by its president, receive of the disbursing officer of such municipality the money raised by taxation for library purposes, as provided in sections three and four of this act.

7. Said trustees shall receive no compensation for their services, and shall not incur any expense or enter into any obligations to an amount in excess of the annual

appropriation for library purposes and of its funds on hand.

8. Said board of trustees shall annually make a report of their transactions, accounts, and the state and condition of said library to the governing body of such municipality.

9. Said board of trustees may receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within its municipality.

### III. TRANSFER OF BOOKS BELONGING TO CITY TO FREE PUBLIC LIBRARY.

10. Any public board in any city wherein there is a free public library, or any department of the government of said city having under its control a library of collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library established under this act for use therein; and any such board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library, and said trustees of said free public library shall hold and keep said books or library as if originally purchased by them.

### IV. PURCHASING LAND AND ERECTING LIBRARY BUILDINGS IN CITIES.

11. When, in the judgment of the board of trustees of the free public library in any city of this state that shall accept the provisions of this act or has heretofore established a free public library pursuant to law, it is advisable to purchase lands or to erect building thereon, or both, or to enlarge or alter any building already erected thereon, for the purposes of a free public library, said board of trustees may certify to the common council, or other board or body having charge of the finances of such city, the amount of money, in addition to such moneys as they may have on hand applicable to such

purposes, necessary for the purpose of making such purchase of land, the erection of buildings or other improvements thereof, and shall also certify therewith the total amount of moneys and funds belonging to the trustees of such free public library available for the purchase of lands or erection of buildings, and an estimated account of the amount necessary for the maintenance of the said library for the balance of the then current year, and thereupon such common council, or other body or board, may, by resolution, at its discretion and with the approval of the mayor of such city, authorize and empower the board of trustees of said free public library to expend such sums of money, in addition to the moneys belonging to it and not needed for the expenses of maintenance for the remainder of the then fiscal year, as to such common council, or such other body or board, may seem proper for such purposes, not to exceed, however, the amount certified as aforesaid by the board of trustees of the free public library; and upon the passage of such resolution the board of trustees of said free public library shall be empowered and authorized, by and with the consent of the mayor of such city, to purchase real estate, and to erect buildings and make improvements thereon, and to expend moneys therefor to the amount of such appropriation and surplus; provided, however, that no lands shall be purchased for the purpose of erecting thereon a free public library building except with the concurrence of such common council, or such other body or board, which concurrence shall be expressed by resolution of such common council, or such other body or board, by and with the approval of the mayor of such city. The title of real estate so purchased shall be taken in the name of such city, but the use and control of the same shall be in such board of trustees of the free public library so long as it shall be used for free public library purposes.

12. When the board of trustees of the free public library in any city of this state may desire to take, use or occupy any lands, improved or unimproved, either in whole or in part, for the purposes of their building and library pursuant to the authority and power vested in said board by section 11 of this act, and the said trustees cannot agree with the owner or owners of such lands, or with other persons interested therein, as to the amount of compensation to be paid for such taking, use, diversion

or occupation or interest, proceedings shall be taken by said trustees to acquire said lands and ascertain the amount of compensation to be paid therefor, in the manner provided by the general laws of this state for the condemnation and taking of lands for public uses.

#### V. EQUIPPING LIBRARIES IN CITIES.

13. Any city that shall accept the provisions of this act, or that has heretofore established a free public library pursuant to law, and has purchased or shall purchase lands, and has erected or shall erect buildings thereon, or both, for the purposes of a free public library, and has made or shall make appropriations therefor under this act, is hereby authorized to make additional appropriation for the equipment, furnishing and decorating of such library building in manner following: The board of trustees of such public library shall certify to the common council or other board or body having charge and control of the finances of such city the amount necessary for the equipment, furnishing and decorating of such library building, and thereupon such common council or other body or board may by resolution, at its discretion and with the approval of the mayor of such city, make appropriation of such money and authorize and empower the board of trustees of such free public library to expend such sum of money, and upon the passage of such resolution the board of trustees of such public library shall be empowered and authorized to enter into contracts for such equipment, furnishing and decorating, and to expend money therefor to the amount of such appropriation.

#### VI. ISSUANCE OF BONDS FOR LIBRARY PURPOSES BY CITIES.

14. Any city that shall hereafter accept the provisions of this act or has heretofore established a free public library pursuant to law shall have power to create and issue bonds for the acquiring of lands, the acquiring and erection and improvement of building and appliances for library purposes, and the equipment, furnishing and decorating of library buildings, such bonds to bear interest not exceeding the rate of five per centum per annum and to be sold at not less than par, and to be issued for such time and under such terms and conditions as shall

be prescribed by the common council or other body or board having charge of the finances of the city; and such bonds may contain such provisions for a sinking fund and for payment as said common council or other body having charge of the finances of said city shall determine; and such city shall make provision by general taxation for the payment of the principal and interest of the said bonds. In case the powers of any such city to issue bonds are now limited by law to be a fixed percentage of the assessed value of its taxable property, such city shall have power to create and issue bonds in the number and for the purposes above set forth to the extent of one-half of one per centum of the assessed value of the taxable property in excess of such limit now existing.

#### VII. ERECTING LIBRARY BUILDINGS IN BOROUGHES, TOWNS, TOWNSHIPS AND VILLAGES.

15. When any individual or corporation has offered or hereafter may offer to the trustees of the free public library of any borough, town, township or village in this state which shall hereafter accept the provisions of this act or has heretofore established a free public library pursuant to law, or has offered or hereafter may offer to the council or other governing body of any such municipality, to provide or erect a building to be used as a free public library upon condition that such municipality, or the trustees of the free public library therein, or the council or governing body thereof, provide a site for such a building, it shall be lawful for the council or other governing body of any such municipality, by resolution adopted by the votes of a majority of all the members thereof, to appropriate for the purpose of purchasing a suitable site upon which to erect such library building, a sum of money not exceeding three-fourths of one mill on every dollar of assessable property returned by the assessor of such municipality, in his last preceding levy for the purpose of annual taxation therein; and thereupon the board of trustees of the free public library in such municipality shall be vested with sufficient power and authority to purchase land for said purpose and to spend moneys therefor not exceeding the amount of such appropriation; provided, however, that the title to lands so purchased shall be taken in the corporate name of the municipality, but the use and control of the same and of

the building to be erected thereon shall be in such board of trustees of the free public library so long as the same shall be used for free public library purposes.

16. To defray the expense of such purchase the common council, or other governing body of any such municipality, is hereby authorized to issue and sell the corporate bonds of such municipality, not exceeding in the aggregate the amount of such appropriation, which bonds shall be of such denomination and shall be made payable within such period not exceeding ten years from the date of their issue and bear such rate of interest, not exceeding five per centum per annum payable semi-annually, as such council or governing body may determine. Said bonds shall be made payable in such manner that an equal proportion of the whole amount issued shall become due and payable in each year after the date of issue thereof; said bonds shall be designated "free public library bonds," shall not be sold for less than their par value and shall be executed under the corporate seal of the municipality and be signed by the chairman of the council or governing body and attested by the clerk thereof, and shall have coupons attached for the payment of each half year's interest, or may be made registered bonds, at the option of the purchaser.

17. There shall be raised and levied annually by taxation in the municipality issuing such bonds a sum sufficient to pay the interest thereon and to redeem the part or proportion thereof maturing in the fiscal year for which such taxes are levied.

#### VIII. PROCEDURE WHEN BOROUGH, TOWNSHIP, &c., UNITES WITH ADJOINING MUNICIPALITY.

18. At the annual election of any borough, town, township or village not otherwise provided with a free public library the voters may, when the question is submitted by the governing body of such municipality, by a majority vote authorize the governing body thereof to unite with the adjoining borough, township or city of the second or third class in the support or maintenance of a free public library, the privileges and uses of said library to be on equal terms to the residents of both of the municipalities so uniting.

19. When, at such election, the majority of the voters of such municipality authorize such union the governing body thereof shall levy a tax of not less than one-third of a mill upon the dollar of assessment, but not more than a thousand dollars annually, for the support of such union library.

20. The mayor or other head officer of such municipality shall be ex-officio a member of the board of trustees of such union library, and the governing body thereof may designate two other voters, resident in said municipality, as joint trustees of said union library, one to hold office for two and the other for a term of three years, and these trustees shall be a part of the board of trustees of the library of said participating borough, township or city of the second or third class.

21. The governing body of the borough, township or city receiving a proposal for union with an adjoining municipality under this act is hereby authorized to accept such a proposal of union and to authorize the admission of the trustees aforesaid to seats with its own board of trustees of its public library, and jointly these trustees shall have full control and government of said library under the provisions of statutes governing the establishment of free public libraries.

22. When, in the judgment of the joint board of trustees, it is advisable to purchase lands or to erect buildings thereon, or both, for the purposes of a free public library, said trustees shall certify the proportion of money for such purposes based upon the respective assessments of each municipality to the governing bodies thereof, and such governing bodies shall submit to the voters at the next annual election an appropriation to cover its share of such purchase or building, and if approved by the majority of the qualified voters voting thereon, said money may be raised by tax or bonds; in case bonds are issued, the procedure in the issuance of such bonds shall conform to the procedure described in section sixteen of this act, and the money thus raised shall be passed to the control of the joint trustees, to be expended according to the provision of this act governing the purchase of lands and the erection of buildings for a free public library in cities.

## IX. CONDITIONAL GIFTS TO CITIES, TOWNS, ETC., FOR LIBRARY PURPOSES.

23. In any city, borough, town, township or village in which there is now or hereafter may be a free public library established pursuant to law, the board of aldermen, common council or other governing body shall have power by resolution to accept gifts or bequests for the purpose of building a library building in any such municipality which may be made on condition that a sum not exceeding ten per centum of the amount of such gift or bequest be annually appropriated for the maintenance and support of such library, or which may be made on the above condition and on the further condition that such municipality to which such gift is made shall also provide a suitable site for such building; and when any conditional gift is so accepted by any municipality it shall be lawful to raise by taxation from time to time for the support and use of said library such amount annually as may be required by the condition of any such gift.

24. When such gift is made on the condition that said municipality shall provide a suitable site for such library building, as well as agree to appropriate annually a certain sum of money as aforesaid, it shall be lawful for the governing body of such municipality to appropriate for the purpose of purchasing a site for such library building a sum not exceeding in amount three-fourths of one mill on every dollar of taxable property in such municipality last returned for the purpose of taxation therein, and to include the amount so appropriated in the next annual tax levy to be made in such municipality.

25. At any time after the acceptance of any such last-mentioned gift it shall be lawful for the trustees of the free public library in any such municipality to purchase, at a cost not exceeding the amount appropriated therefor, a suitable site for the erection of a library building. The title of the real estate so purchased shall be taken in the corporate name of the municipality, but the use and the free public library therein so long as it shall be used control of the same shall be in the board of trustees of for free public library purposes.

26. Any gift or bequest, when accepted by the board



of aldermen, common council, or other governing body of any such city, town, township or municipality, shall be received by the treasurer or other corresponding officer of such municipality and expended by and under the direction of the trustees of the free public library for the purposes for which such gift or bequest was made, in the same manner as other funds are now expended by such trustees.

#### X. TRAVELING LIBRARIES.

27. The public library commission shall operate, direct and control a system of small state traveling libraries: said libraries shall be styled "traveling libraries," and so many of them as may be found advantageous for use in the state may be provided for under rules and regulations to be prescribed and promulgated by said commission: the cost, however, of the provisions therefor shall not exceed the amount which shall annually be appropriated by the legislature for such purpose.

28. The nature and character of the books to be purchased shall be determined and controlled by the said commission, or a majority of them, and the purchase of all books to be used in connection with the said traveling libraries shall be made as said commission may direct. The commission shall have authority to purchase, from any appropriation that shall be made, such and so many small book-cases and outer traveling cases as experience and the useful and successful operation of the said system of traveling libraries may require, and they shall have full authority, from any appropriation which may from time to time be made, to repair and keep said cases in good order and to purchase new cases when necessary, and to keep the books in said traveling libraries in good condition by rebinding, or by repurchase, or substitution of books, or otherwise, and provide all necessary printing and cataloguing for the same.

29. Said traveling libraries shall be used and operated at such points as the said commission may direct, but the said commission shall not be authorized to spend moneys for the rental of any place or places in any municipality in this state from which distribution shall be made from said traveling libraries.

XI. APPROPRIATIONS FOR PUBLIC LIBRARIES AND FREE  
READING ROOMS.

30. It shall be lawful for the common council of any city of this state to appropriate, from any moneys not otherwise appropriated, such sum of money, not exceeding one thousand dollars, as may in their judgment be deemed necessary to establish or aid public libraries and free reading rooms.

31. It shall be lawful for the governing body of any borough, town, township or village to appropriate from any moneys not otherwise appropriated such sum of money, not exceeding three hundred dollars annually, as may in their judgment be deemed necessary to establish or aid public libraries and free reading-rooms in such municipality.

32. It shall be lawful for the governing body of any town, township, village or borough to raise by taxation any sum, not exceeding one thousand dollars annually, to aid public libraries and free reading rooms in any such municipality; provided, the same be first assented to by a majority vote of the legal voters of any such municipality at their annual election.

33. Every free public library established pursuant to any general law shall be governed by the provisions of this act, and all acts inconsistent herewith are hereby repealed.

Supplement approved March 7, 1906.

P. L., p. 20.

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**LICENSE.**

**SEE EXCISE**

An Act to authorize cities to license and regulate the erection of bill boards. Approved February 24, 1882.

P. L., p. 24. G. S., p. 717.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for

the common council, board of finance, or other legislative body, however designated, of any city of this state, to license the erection of bill boards in any of the streets, roads or highways of any such city; provided, that in addition to the authority of any governing body of any such city the consent of property owners, in front of whose premises said bill boards are proposed to be erected, shall be first had and obtained before the erection thereof; and it shall be lawful for said common council, board of finance, or other legislative body of any city to exact an annual license fee from the person or persons obtaining consent to erect such bill boards, which said license fee may be levied and collected for the purpose of revenue.

2. And be it enacted, That the common council, board of finance or other legislative body of any such city, may pass ordinances for the regulation and protection of the rights of persons obtaining such license.

3. And be it enacted, That this act shall be a public act and shall go into effect immediately.

**An Act to authorize cities and boroughs to provide, by ordinance, for the licensing, regulating, restraining and taxing of auctions and auctioneers. Approved March 1, 1882.**

P. L., p. 35. G. S., p. 2234.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the board of aldermen, common council, or other legislative body of every incorporated city or borough within this state, shall have power to provide, by ordinance, for licensing, regulating, restraining and taxing of auctions, within the corporate limits of said city or borough, and of auctioneers carrying on or intending to carry on their said business within said limits, and to fix penalties for the violation of the same, and to prescribe the manner of collecting said penalties and for enforcing said ordinances.

Sec. 2. And be it enacted, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

**An act relating to the licensing and regulating of bill posters in cities. Approved March 3, 1882.**

P. L., p. 43. G. S., p. 717.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the common council, board of finance, or other legislative body, however designated, of any city in this state, to provide by ordinance for the licensing of bill posters in any such city, and to adopt such rules, regulations and restrictions with reference to the conduct of the said business, and the persons by whom it may be carried on, as to it shall seem proper: provided, that the consent of property owners in front of whose premises bill boards are erected or bills posted shall be first had and obtained, and it shall also be lawful for said common council, board of finance, or other legislative body of any city, to exact an annual license fee from the persons engaged in said business, which said license fee may be levied and collected for the purpose of regulation.

2. And be it enacted, That this act shall be a public act, and shall go into effect immediately.

**An Act providing for the licensing of dogs. Approved March 15, 1893.**

P. L., p. 328. G. S., p. 2237.

**Supplement approved April 9, 1896.**

P. L. p. 234.

**Supplement approved March 19, 1902.**

P. L., p. 45.

Provides for the licensing of dogs.

**An Act respecting licenses in cities, townships, incorporated boroughs. Approved April 28, 1905. P. L., p. 360, as amended by act approved April 15, 1908. P. L., p. 588.**

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Sec. 1 of the act to which this is an amendment is amended to read as follows:

1. It shall be lawful for the common council, board of aldermen, township committee or other governing body of any city, township, incorporated town or incorporated borough, to make and establish ordinances for the following purposes, namely: to license and regulate cartmen, porters, hacks, cars, omnibuses, stages, and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk-shop keepers, junk dealers, bill posters, keepers of bath houses, boarding houses and hotels, lodging houses, or other buildings used by the public for sleeping or lodging purposes, and news stands, sweeps, scavengers, traveling or other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating rinks, itinerant venders of merchandise, medicine and remedies, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted, and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to fix and prescribe penalties, either by fine not to exceed one hundred dollars, or by imprisonment not to exceed ninety days, for the violation of any such ordinance or ordinances, and that fees for such licenses may be imposed for revenue.

2. This act shall take effect immediately.

**An Act to regulate the keeping of employment agencies in this State. Approved May 28, 1907.**

P. L., p. 555.

Provides for the licensing and regulation of employment agencies.

**Amendment to section 1 of act of April 28, 1905. Approved April 15, 1908.**

P. L., p. 588.

**LIGHTING.**

**An Act relative to the lighting of streets, roads and public places in this State. Approved May 1, 1894.**

P. L., p. 170. G. S., p. 2172.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the board of authority of any city, county, town or township of this state, charged with the duty of lighting the streets, roads and public places of such municipality, or now exercising such authority, be and it is hereby vested on behalf of said municipality with the duty of making such contract or contracts for lighting the streets, roads and public places in such municipality for such term not exceeding five years, as in the judgment of said board of authority shall be deemed for the best interest of such municipality and the board of authority in any such municipality, having the power, and charged with the duty of making and adopting the annual tax levy or tax ordinance of said municipality, shall appropriate the necessary amount each year to pay the cost of such lighting or the fulfillment of any such contract or contracts.

2. And be it enacted, That any contract heretofore entered into by any city, county, town or township in this state for the lighting of public streets, roads and public places thereof for any period not exceeding ten years shall be as valid and effectual as if the same had been entered into and made pursuant to legislative authority for such term; and it shall be the duty of the board or authority in such municipality charged with the duty of making and adopting the annual tax levy or tax ordinance of such municipality to appropriate the amount necessary each year to pay the cost of such lighting and the fulfillment of any such contract or contracts heretofore made.

3. And be it enacted, That the provisions of this bill shall not apply to any city, county, town or township in this state having a population of less than twelve thousand inhabitants, according to the last state or federal census.

4. And be it enacted, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

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### **LOST FUNDS.**

An Act to enable municipalities to raise funds to replace any lost through the failure of banking institutions. Approved March 22, 1900.

P.L., p. 143.

Provides that bonds may be issued to replace funds lost through the failure of any bank.

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### **MAPS.**

An Act concerning the recording and filing of maps, plates and surveys of land situate in certain cities in this state. Approved April 6, 1908.

P. L., p. 138.

Provides that when maps or surveys are filed with the register of deeds, a duplicate copy shall be filed with the city engineer.

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### **MINORS.**

A Supplement to an act entitled "An Act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight. Approved April 13, 1908.

P. L., p. 375.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Any person owning, keeping or having the management or control of any public dance house or hall, or any concert saloon, whether licensed as such or not, his agents or servants, who shall admit thereto or permit or suffer to be or remain therein any child under the age of sixteen years, unaccompanied by a parent or guardian, shall be guilty of a misdemeanor; provided, however, that this section shall not apply to entertainments held upon piers devoted to public entertainment.

2. Any person having the management or control of any theatre or place wherein theatrical, acrobatic or vaudeville performances are given by paid performers, or wherein any moving-picture show is given, his agents or servants, who shall admit thereto or permit or suffer to be or remain therein any child under the age of sixteen years unaccompanied by a parent or guardian, or adult friend with the knowledge and consent of the parent or guardian, shall be guilty of a misdemeanor; provided, this section shall not apply to any performance given by or under the auspices of any public or private school or any church or Sunday school, or by any charitable organization or society, nor to entertainments held upon piers devoted to public entertainment.

3. Any person having a license to sell spirituous, vinous, malt or brewed liquors, his agents or servants, who shall sell or give to any minor under the age of eighteen years any such liquors, or shall suffer or permit any such minor to frequent or lounge in the room or place where such liquors are kept or sold, shall be guilty of a misdemeanor.

4. Any person owning, keeping or having the management or control of any public room or public place wherein the game commonly called billiards or pool is played, his agents or servants, who shall knowingly allow any minor under the age of eighteen years unaccompanied by a parent or guardian to play the said game or to frequent or lounge in the room or place where such game is played, shall be guilty of a misdemeanor.

5. This act shall take effect immediately.



**OFFICE.****TERM OF ASSESSORS**

An Act for the government of cities. Approved February 4, 1879.

Sec. 1. Be it enacted, by the Senate and General Assembly of the State of New Jersey, That in all cities having, by the ninth census, a population not less than twenty thousand nor more than twenty-five thousand inhabitants, and having a board of assessors of taxation, whose elections occur within the time required by the charters of said cities for assessments of taxes to be made, the terms of office of said members of the board of assessors shall hereafter commence on the first day of January succeeding their election, and continue during the terms prescribed in said charters; provided, that all members of the board of assessors in said cities now in office shall continue in office until their successors are qualified.

Sec. 2. And be it enacted, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

An Act to prescribe the mode of filling vacancies in municipal offices in cities of this State when such vacancies have heretofore occurred or shall hereafter occur by reason of the failure of municipal officers to take and subscribe the oath of office within the time prescribed. Approved May 9, 1894.

P. L., p. 278. G. S., p. 582.

Amended by act approved March 1, 1904.

P. L., p. 23.

Provides that officers failing to subscribe oath within prescribed time may, nevertheless, qualify for office.

An Act relating to aldermen and members of common councils in cities of this state. Approved June 13, 1895.

P. L., p. 813. G. S., p. 582.

Provides that no alderman or councilman shall hold office or perform duties after the expiration of his term.

An Act regarding honorably discharged union soldiers, sailors and marines. Approved March 14, 1895.

P. L., chapter 155.

Forbids removal from office except for cause.

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### OFFICERS.

An Act relating to elections and appointments to office hereafter to be made by any board of aldermen, common council, township committee or other municipal board or body. Approved March 31, 1885.

P. L., p. 178, chapter 140.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That hereafter no member of any board of aldermen, common council, township committee or other municipal board or body shall, during the term for which he shall have been elected such member shall be eligible for election or appointment to any office that is now or hereafter may be by law required to be filled by any such board, council, committee or body, of which he is such member; provided however, that this act shall not apply to any offices now required by law to be filled from any such appointing body.

2. And be it enacted, That this act shall be deemed a public act and shall take effect immediately.

An Act to authorize the common council or other governing body in the cities of this state to designate who shall perform the duties of certain officials when such officials are temporarily absent or unable to perform their duties by reason of sickness. Approved April 1, 1887.

P. L., p. 102. G. S., p. 977.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That where by the law of this state, certain duties are imposed upon the comptroller, treasurer, auditor of accounts, or other heads of departments in the cities of this state, and no person is now by law authorized to perform the duties so imposed by such

officers when such officers are temporarily absent or sick, it shall and may be lawful for the common council or the board having control of the finances of such city, by ordinance or resolution, to provide who shall, during the temporary absence or sickness of any such officer perform the duties so imposed as acting officer, and that the acts of the person or persons so appointed shall be in all cases as legal and binding as if done and performed by the officer for whom such appointee is acting.

2. And be it enacted, That this act shall take effect immediately.

**An Act concerning the appointment of officers in cities of the second class in this state. Approved March 26, 1892.**

P. L., p. 282. G. S., p. 501.

Provides for the appointment of overseers of the poor and commissioners of appeal.

**An Act supplementary and amendatory to an act entitled, "An act concerning the appointment of certain officers in certain cities in this state and fixing their tenure of office. Approved March 23, 1900.**

P. L., p. 415.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act to which this is a supplement be amended so as to read as follows:

1. In all cities of this state now or hereafter having within their territorial limits a population of not less than fifty thousand nor more than one hundred and twenty-five thousand inhabitants, the common council, board of aldermen or other governing board of such cities shall, at the regular meeting of such common council, board of aldermen or other governing body, preceding the expiration of the terms of the present city clerk, city comptroller, city treasurer, city counsel, receiver of taxes and assessments and clerk of the board of aldermen, city inspector of buildings, city engineer, city overseer of the poor, city street commissioner, and sealer of weights and measures,

or at the time prescribed by the charter of any such city appoint a clerk, city comptroller, city treasurer, city counsel (who shall be a counsellor-at-law), receiver of taxes and assessments and clerk of the board of aldermen, city inspector of buildings, city engineer, city overseer of the poor, city street commissioner, and sealer of weights and measures, in lieu of and to be substituted for, and to act in place of, and who shall in each case respectively be invested with and shall perform all the powers and duties of any such officers by whatsoever title they may be designated now by law to act therein; and which said officers shall be appointed for the term of three years, or until their successors are appointed and qualified, and shall perform the same duties and receive the same emoluments as are now provided by existing laws, and the terms of the first officers appointed hereunder shall date from the time of the expiration of the terms of their predecessors, as specified under this act; and that such officers shall give bonds for the faithful discharge of their duties in such amounts as may now be required of such officers in such cities, and which said bonds shall be approved as to form by the city counsel of such city, and as to the sufficiency thereof by the said common council, board of aldermen, or other governing body thereof; any vacancy in either of the offices herein provided for shall be filled in the same manner, but for the unexpired term only; and all of such officers shall be sworn in as such officers are now sworn in each of said cities; and that the term of service of every such officer hereinbefore named, holding office in any such city, shall end on the appointment and qualification of their successors, as herein provided for; every such officer whose term of office shall so end shall immediately deliver up his office and all property, books and papers, matters and things whatsoever connected therewith to his said successor; provided, that in all cities as aforesaid in which by the provisions of the charter thereof the city treasurer and receiver of taxes and assessments is elected by popular vote, such city treasurer and receiver of taxes and assessments shall continue to be elected by popular vote, anything in this act contained to the contrary notwithstanding; and the term of such city treasurer and receiver of taxes and assessments shall commence as provided in such city charter.

2. All acts and parts of acts, general and special, pub-

lie or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

**An Act relative to the appointment of public officers in cities.**

**Approved April 24, 1906.**

P. L., p. 282.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Whenever general power has been granted to any board or body by the charter of any city or any supplement or amendment thereto for the appointment of necessary officers, agents or servants, such power may be exercised by resolution of the board or body empowered to make such appointments in the manner provided by the charter, and their powers and duties may be thereafter prescribed by general ordinance; provided, that this act shall not apply to officers as to whom the charter of any city, or any supplement or amendment thereto, enacts that the mayor of such city shall nominate, and by and the advice and consent of the common council, appoint; or as to whom it is therein provided that the mayor shall nominate, and by and with the advice and consent of any board or body of such city, appoint.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

**An Act concerning the election of city officers by the governing bodies of cities of this state. Approved April 12, 1906.**

P. L., p. 173.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Hereafter all officers to be elected by the common council or other governing body of any city in this State, shall be separately nominated and elected by separate ballot.

2. All acts and parts of acts inconsistent with the

provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

An Act relative to the official oaths of officers heretofore or that may hereafter be elected or appointed to office in the towns, townships, boroughs and other municipalities of this state. Approved February 19, 1906.

P. L., p. 13.

An Act regulating the employment, tenure and discharge of certain officers and employes of this state, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties. Approved April 10, 1908.

P. L., p. 235.

#### ASSISTANT CITY TREASURER.

An Act to authorize the appointment of assistants to city treasurer. Approved April 28, 1885.

P. L., p. 298. G. S., p. 573.

#### CITY PHYSICIAN.

An Act concerning city physicians in cities of the second class. Approved March 17, 1898.

P. L., p. 131.

Provides for appointment of city physician and assistant by city council.

#### COLLECTOR OF PERSONAL TAXES.

An Act to authorize the appointment of collectors of personal taxes in certain cities of the second class by the receivers of taxes in such cities. Approved March 19, 1896.

P. L., p. 99.

#### COMMISSIONERS OF ASSESSMENT.

An Act to provide for a board of commissioners of assessment in cities when no such board or mode of assessment of benefits is provided by the city charter. Approved April 12, 1886.

P. L., p. 223. G. S., p. 574.

Amended by Act approved May 3, 1906.

P. L., p. 390.

Provides for appointment of three commissioners of assessments of benefits resulting from street improvements and laying or relaying water pipes.

### COMPTROLLER.

An Act to enable cities to create the office of comptroller. Approved March 10, 1880.

P. L., p. 142. G. S., p. 570.

Sec. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall and may be lawful for any incorporated city in this state wherein the office of comptroller does not now exist to create and establish the office of comptroller for such city, whenever the city council thereof shall, by the passage of an ordinance, determine so to do, which ordinance shall define the duties of said officer in conformity with this act and shall fix his salary not exceeding in amount fifty dollars for each thousand of population of said city and the amount of bond which shall be required from him.

Sec. 2. And be it enacted, That said comptroller shall be selected in each city adopting said ordinance and establishing such office by the city council of said city at the first stated meeting after the passage of the ordinance mentioned in the preceding section, and the person so elected shall hold his office for the term of three years and until his successor is elected and qualified.

Sec. 3. And be it enacted, That said comptroller, before entering upon the duties of his office, shall take and subscribe before any officer authorized to administer oaths and affirmations in this state, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, and such other oath or affirmation as the laws of the state of New Jersey, or the council electing said officer, may require, which oath or affirmation shall be filed by the city clerk in his office; he shall give good and sufficient bond for the faithful performance of the duties of his office in such sum as the city council electing him shall direct, and shall receive as

compensation for his services such salary as said city council shall prescribe, said salary not to be increased or diminished during the term of his office.

Sec. 4. And be it enacted, That it shall be the duty of the said comptroller to sign all warrants on the city treasurer, to superintend all fiscal concerns of the city in such manner and to report thereon at such times as city council shall direct by ordinance; to keep separate accounts of all appropriations made by city council to each and every department of the city government, and to require all warrants on the treasurer to state particularly against which appropriation the said warrant is drawn; the said comptroller, upon receiving a bill or warrant, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the department having charge of the bill or claim against the city, and the warrant in such case shall not be signed except by special authority or direction of the city council; he shall, upon the death, resignation, removal or expiration of the term of office of any officer or person who by law may be authorized to receive or disburse moneys of the city, for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to city council; he shall, before the payment of any claim against the city, first audit the bill containing or making up said claim, with a view to ascertain whether the supplies charged to the city, or services alleged to have been rendered, have been furnished and rendered as stated, and whether the sum or sums demanded therefor are proper, and after so auditing shall return said bill to the department having control of the appropriation against which said claim is made, and against which the warrant is to be drawn; he shall, as often as he may deem necessary, or as city council shall require, suggest plans to said city council for the improvement, advantage and better management of the city finances; he shall have control of the fiscal concerns of all departments, bureaus and officers of the city in which he holds his office as aforesaid, and may require at any time from any or all of said departments, bureaus and officers a full exhibit of their business, and a statement of account in writing of any or all



moneys or property of the said city within the control or in the hands of said departments, bureaus and officers; and said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to city council, and in order that he may fulfill his duties and make complete audits of accounts he shall have power, whenever he may see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purpose aforesaid; the said comptroller shall also be authorized, whenever in his judgment the interest of the city for which he is elected such officer shall require, to examine under oath any person presenting a bill or claim against said city for the payment of moneys, and also to examine witnesses and to investigate by other evidence and inquiry all the facts relating to said claim, which in his opinion are necessary to establish the accuracy and good faith of said claim, and to ascertain the city's liability therefor; provided, however, that this act shall not apply in any of its provisions to any city of this state which now has any comptroller under any special charter or the supplements thereto, or any officer whose duties correspond to those enumerated in this act.

5. And be it enacted, That it shall be a misdemeanor for the comptroller to sign any warrant or order, or otherwise to procure the payment of any money by the city for which he is said officer, not authorized by law.

6. And be it enacted, That this act shall take effect immediately.

**An Act in relation to the salary of comptrollers in certain cities.**  
Approved March 20, 1895.

P. L., p. 360. G. S., p. 582.

#### **DEPUTY PERSONAL TAX COLLECTORS.**

**An Amendment to an act entitled "An Act concerning the collection of arrears of taxes in cities of this state." Approved March ninth, one thousand eight hundred and ninety-three.**  
Approved April 16, 1897.

P. L., p. 225.

Provides for appointment of additional deputy collectors of personal taxes.

**MAYOR.**

An Act regulating the receipt and disbursement of money and the passage of ordinances pertaining thereto in any city of this state. Approved March 28, 1904.

P. L., p. 259.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. All moneys received from any source by municipal boards or departments established in cities in this state shall be paid by such boards or departments to the treasurer or other person charged with the custody of the funds of such city; and where the power to borrow money in anticipation of estimated receipts has heretofore been vested in any board in such city, such power shall be and is hereby transferred to and vested in the mayor and common council or other body having the control of the finances of such city.

2. All moneys expended by such boards or departments shall be by warrant on the treasurer or other person charged with the custody of the funds of such city, and the common council or other body having charge of the finances of any such city may, by ordinance, prescribe the manner of issuing, and designate the officers who shall sign, countersign and audit such warrants.

3. In all cases when the common council or other body having charge of the finances of any such municipality shall not prescribe the manner of issuing, and designate the officers who shall sign, countersign and audit such warrants the same shall be drawn to the order of the person entitled thereto on the city treasurer and signed by the mayor or acting mayor, city treasurer, city clerk and comptroller or auditor of such city.

4. No warrant for the payment of money shall be delivered by any officer of any such city to any person, firm or corporation until the bill or claim intended to be paid thereby shall have been presented to the mayor for

his approval; the manner and form in which the mayor shall signify his approval or disapproval may be by ordinance prescribed.

5. It shall be the duty of the mayor of any such city within ten days from the receipt of said bill or claim, if approved by him, to deliver the same to the auditor, comptroller or other officer entitled thereto, with such form of approval attached as may be by ordinance prescribed; and if disapproved by him to deliver the same, with reasons for his disapproval, to the proper officer; when no ordinance has been passed prescribing the form of such approval any such mayor shall, within the prescribed time, deliver such bill or claim, if approved by him, to the person presenting the same for approval, marked "approved" and signed with his signature, and if disapproved the said bill or claim shall, within the same time, be marked "disapproved" and returned unsigned.

6. All ordinances shall be passed by a majority of the common council or body having control of the finances of any such municipality.

7. The body or board presenting any claim or bill to the mayor for approval shall have power, by a majority vote of all its members, to order the said bills so disapproved to be nevertheless paid, and in that case warrants shall be drawn for the same and such warrants shall then be effective and be signed by the proper officers.

8. All acts or parts of acts inconsistent herewith are hereby repealed, and any ordinance passed by virtue of the powers herein delegated shall supercede any existing legislation, whether special or general.

**An Act to provide who shall act as mayor in case of the death of the mayor of any city. Approved April 28, 1905.**

P. L., p. 360.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In the event of the death of the mayor of any city the president of the common council or board or body having charge and control of the finances of such city.

shall act as mayor until the next general or state election, shall be known as acting mayor, shall have all the powers and privileges, be entitled to the same salary and be chargeable with the same duties and obligations as the mayor of such city.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

#### OVERSEER OF THE POOR.

An Act concerning the appointment of officers in cities of the second class in this state. Approved March 26, 1892.

P. L., p. 282. G. S., p. 501.

Provides for the appointment of overseer of the poor.

An act fixing the term of office of overseers of the poor in second class cities. Approved March 28, 1893.

P. L., p. 495.

Fixes term of office and salary.

#### PRESIDENT OF CITY COUNCIL.

An Act to provide for the election of a president of the board of aldermen, common council or council in cities of the second class in this state, and to regulate his duties, powers and term of office. Approved April 13, 1908.

P. L., p. 481.

Provides for election of president of city council, for the term of two years, in cities which adopt the act.

#### RECEIVER OF TAXES.

An Act relating to the office of receivers of taxes in cities in this state. Approved April 3, 1902.

P. L., p. 283.

Provides that city council may fix term of receiver of taxes.

**RECORDER'S CLERK.**

**An Act providing for the appointment of clerks to recorders in certain cities of the second class in this state and defining their duties. Approved April 19, 1905.**

P. L., p. 333.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. The recorders holding the police courts existing in any city of the second class in this state, having a population of seventy-five thousand or over, shall have power and are hereby authorized to appoint in and for each of the police courts of said city a clerk, whose duty it shall be to attend the sessions of the court to which he may be appointed or assigned, and to the examinations, trials and proceedings had therein, before whatever justice or judge may hold or sit in the same; such clerk shall, under the direction of the court, keep a brief record of all matters which shall come before the same; he shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in the court to which he shall act, and shall account for and pay the same over to the proper officers or authorities within forty-eight hours after his receipt thereof; he shall keep a record of such fines and penalties and the disposition thereof in books to be provided for that purpose by the board hereinafter named, and shall perform such other duties and services as the court or judge aforesaid may require; he shall receive a salary of twelve hundred dollars per annum, to be paid in the same manner as now provided for by law for the payment of city officers; he shall be required to enter into a bond to the said city, in its corporate name, in the sum of three thousand dollars, with at least two sufficient sureties, to be approved by the board or body of such city having control of the finances thereof, conditioned for the faithful performance of his duty, which bond shall be renewed annually.

2. Wherever there shall be at the time of the passage of this act a clerk already appointed in and for a police court in any of the cities mentioned in the first section of this act, such clerk shall be regulated as to his powers and duties by this act, and such clerk shall hereafter receive the salary mentioned in this act.

3. All acts or parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

#### **SINKING FUND COMMISSION.**

An Act authorizing cities to create a sinking fund commission and defining their powers. Approved March 22, 1898.

P. L., p. 139.

Sect. 1 Amended by act of March 9, 1899.

P. L., p. 30.

Provides that city council may create a sinking fund commission and defines duties of such commission.

#### **TAX RECEIVER AND TREASURER.**

An Act to authorize and empower cities of the second class in this state to fix and regulate the salaries and compensation of collectors of taxes, treasurers and their assistants. Approved April 13, 1908.

P. L., p. 410.

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#### **ORDINANCES.**

An Act to provide for the compilation and revision of ordinances in cities of this state. Approved May 11, 1897.

P. L., p. 353.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Whenever the board or body having charge and control of the finances of any city in this state shall cause the ordinances of such city or of the boards or departments thereof, which are now or may hereafter be authorized to pass ordinances in respect of any branch of the government of such city, to be compiled and revised, the person or persons making such compilation and revision shall report the same to such board or body having charge and control of the finances of such city, which shall have

power to arrange and provide for adequate compensation to be paid to such person or persons so employed, and which shall thereupon refer to each of said boards or departments the chapter or chapters of said ordinances which relate to matters within their jurisdiction, and such board or department shall return the same to such board or body having charge and control of the finances with such changes as may be desired by such board or department, and thereupon such board or body having charge and control of the finances may, by ordinances, accept and adopt such compiled and revised ordinances, which shall be valid and legal ordinances of such city, notwithstanding any law or limitation to the contrary, or any failure to refer to such board or department all of the proposed ordinances affecting matters within its jurisdiction; provided, that in any such city in which the board having charge and control of the finances of such city is a separate body or authority and distinct from the common council or board of aldermen of such city, then in that case the said board having charge and control of the finances of such city shall accept and adopt such compiled and revised ordinances by resolution of said board, and certify their adoption of the same by the signatures of the president and clerk of said board to the common council or board of aldermen of such city, which body shall thereupon, by ordinance, adopt and accept the same as the valid and legal ordinances of such city in the same manner as ordinances are accepted and adopted by such common council or board of aldermen of such city as heretofore provided.

2. The ordinance accepting such ordinances shall be submitted to the mayor of such city, as required by law, for his approval, and upon being approved by him shall be published in the manner then required by law for the publication of ordinances in such city; it shall not be necessary to publish said revised and compiled ordinances prior to or after their adoption as aforesaid, nor to set forth the same at length in the ordinance by which they are accepted and adopted.

3. Nothing herein contained shall operate to repeal any ordinance or ordinances not included in such compilation and revision, except such as are repealed directly or by necessary implication.

4. The board or body having charge and control of the finances of any such city shall by resolution prescribe such regulations for the sale or distribution of such compiled and revised ordinances when printed as it shall deem necessary.

5. This act shall take effect immediately.

**An Act to authorize the codification of the ordinances of the cities of this state. Approved March 14, 1895.**

P. L., p. 310. G. S., p. 803.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the board of aldermen, common council or other legislative body of any city may codify the ordinances of the city, and the said ordinances when printed in book form and certified as true copies of the original ordinances of the city by the city counsel or city attorney of such city, and approved by the mayor, shall be received in all courts as evidence as fully as if the original ordinances were produced and offered in evidence.

2. And be it enacted, That this act shall take effect immediately.

**An Act concerning penalties for the violation of ordinances in cities. Approved March 28, 1904.**

P. L., p. 277.

**An Act relating to the passage of ordinances. Approved March 30, 1904.**

P. L., p. 395.

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## **PARKS.**

**An Act to provide for the purchase, construction and maintenance of public parks by cities and other municipalities of this state. Approved April 4, 1902.**

P. L., p. 574.



Amended by act of May 17, 1906.

P. L., p. 553.

An Act to enable cities of the second class of this state to improve public parks. Approved March 28, 1904.

P. L., p. 283.

An Act to authorize cities of the second class in this state to provide music in the public parks of such cities during the months of July and August in each year. Approved June 26, 1905.

P. L., p. 514.

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### PARTITION FENCES.

An Act to grant power to the city councils of cities to regulate and control by ordinance the erecting and repairing partition fences in cities. Approved April 5, 1878.

P. L., p. 334.. G. S., p. 787.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That power and authority is hereby granted to the city council of any city of this state to pass, alter and repeal ordinances regulating the building, erecting and repairing of partition fences within said city, prescribing the notice to be given and manner of proceeding to make each land owner liable for one-half of the cost and expense of building a line or partition fence between the lands of such person or corporation and that of any other person or corporation, and such sum may be recovered by action of debt or in attachment in any court having jurisdiction of such sum by the person incurring such cost and expense in accordance with the provisions of any such ordinance.

2. And be it enacted, That this act shall take effect immediately.

**POLICE.**

An Act respecting police departments of cities and regulating the tenure and terms of offices and men employed in said departments. Approved March 25, 1885.

P. L., p. 163. G. S., p. 1534.

Amendment approved February 23, 1886.

P. L., p. 48. G. S., p. 1534.

Amendment approved April 6, 1886.

P. L., p. 211. G. S., p. 1535.

Supplement approved March 9, 1898.

P. L., p. 65.

Amendment approved April 9, 1902.

P. L., p. 665.

An Act relating to police departments in cities and regulating the tenure and terms of office of persons employed in such departments. Approved March 8, 1899.

P. L., p. 26.

Amendment approved March 27, 1902.

P. L., p. 183.

An Act to authorize cities to provide for the pensioning of members of the police force. Approved March 31, 1885.

P. L., p. 183. G. S., p. 1536.

An Act to provide for the payment of pensions to the families of policemen who die or are permanently disabled in the discharge of their duty. Approved March 24, 1899.

P. L., p. 522.

An Act relative to the retirement of chiefs of the police force in cities of this state upon pension. Approved April 16, 1891.

P. L., p. 468. G. S., p. 1546.

An Act to authorize cities of this state to borrow money for improving their police department facilities, and their fire and police alarm system, and to secure the payment thereof by issuing bonds. Approved April 8, 1908.

P. L., p. 191.

## PUBLICATIONS.

**An Act authorizing the cities of this state to make limited appropriations for the publication of the minutes of the proceedings of their municipal boards. Approved March 3, 1881.**

P. L., p. 67. G. S., p. 789.

**An Act concerning the publication of ordinances, financial statements and other public notices. Approved March 25, 1881.**

P. L., p. 295. G. S., p. 793.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in all cities of this state the ordinances passed by the city councils thereof shall be published in at least one newspaper, printed and published in the city affected by said ordinances, for at least two insertions before said ordinances shall become operative and binding.

2. And be it enacted, That the said city councils shall publish the annual financial statements of such cities, in at least one newspaper, printed and published in the city for which said financial statement is made, for at least two insertions; and all other public notices, required by law to be published in any manner, shall be published in at least one newspaper in said cities for at least two insertions; provided, that in any case where such publication is made in two newspapers, said papers shall not be of the same political party, unless all the papers published in such city are of the same political party.

3. And be it enacted, That the newspaper publishing such ordinances, financial statements, and all other public notices, shall have been published for a period of two years before such publication can be legally made therein, and that the compensation for publishing the above mentioned ordinances, financial statements, and other public notices, shall be the same as now allowed for legal advertising in this state, and no more; and that in such cities as now have or may hereafter have more than one official paper, the ordinances, public notices and official minutes of the municipal boards in said city shall be published in said official papers, and that the compensation for such publications in cities having more than one official paper shall be fixed by the authorities appointing such papers.

4. And be it enacted, That all acts or parts of acts in conflict with this act are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

**An Act concerning the publication of financial statements in cities of this state. Approved March 19, 1884.**

P. L., p. 83. G. S., p. 795.

**An Act to regulate the price of legal advertising. Approved April 14, 1891.**

P. L., p. 416. G. S., p. 2325.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for all officers and boards of any county or municipality of this state to pay for official advertising in the daily newspapers published in cities of the first and second class at the rate of ten cents per line for the first insertion and five cents per line for each subsequent insertion and no more; provided, said daily newspapers shall be duly authorized to publish the said advertisement; and provided further, that nothing herein contained shall apply to the publication of the session laws of this state; and provided further, that nothing herein contained shall be construed as requiring or authorizing the inserting of any advertisement in any newspaper not now or hereafter authorized by law to publish the same.

2. And be it enacted, That all acts and parts of acts, public or private, that conflict with the provisions of this act, shall be and are hereby repealed.

3. And be it enacted, That this act shall be deemed a public act and take effect immediately.

**An Act in relation to city printing and official advertisements in cities of the second class in this state. Approved April 8, 1892.**

P. L., p. 414. G. S., p. 2329.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the common council, board of aldermen or other governing body, with the consent of the mayor, of any city of the second class in this state, to designate by resolution the

official newspaper or newspapers published in any such city, in which shall be solely published all official notices, ordinances, advertisements, minutes and official proceedings relating to the municipal affairs of such city, and to fix a compensation to be paid by the city for the service rendered by such official newspaper or newspapers.

2. And be it enacted, That all acts and parts of acts, general, special, local and private, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

**An Act relative to the publication of the expenditures of the public moneys by the common council or other governing body in cities of the second class of this state. Approved March 28, 1893.**

P. L., p. 487. G. S., p. 514.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the common council or other governing body in cities of the second class, monthly, to publish in a newspaper printed and published in said city a detailed itemized statement of the expenditures of the public moneys by said board for the preceding month; and it shall be the duty of the treasurer of every such city to prepare the statements of such expenditures for publication.

2. And be it enacted, That it shall be the duty of the common council or other governing body in said cities of the second class, at their first regular meeting held after the passage of this act, to designate a newspaper in said city to publish the said expenditures of the public moneys as herein provided for, and which newspaper so designated shall publish the same for the period of one year, at the expiration of which year it shall be the duty of said common council or other governing body to again designate a newspaper for that purpose; and in like manner shall a newspaper be designated each succeeding year.

3. And be it enacted, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

4. And be it enacted, That this act shall take effect immediately.

An Act to define the language of certain acts relating to the publication of legal notices in newspapers. Approved March 23, 1900.

P. L., p. 317.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In all acts fixing the rate to be paid for legal advertising, the price fixed for "subsequent insertions" shall apply only to subsequent insertions in issues of consecutive weeks.

2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall be deemed and taken to be a public act, and shall take effect immediately.

An Act concerning the publication of legal and official notices and advertisements. Approved April 4, 1907.

P. L., p. 56.

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## PUBLIC PLAY GROUNDS.

An Act to provide for the establishment of public play grounds in cities of this state and for the maintenance, control and management thereof. Approved May 7, 1907.

P. L., p. 279.

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## PUBLIC PROPERTY.

An Act relating to property held in trust for municipal corporations. Approved March 7, 1900.

P. L., p. 37.

Provides for the appointment of a new trustee by city council upon death of former trustee.

An Act to enable cities to sell, exchange, lease and convey public lands which are not used, needed or desirable for public purposes. Approved March 28, 1904.

P. L., p. 229.

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## PUBLIC WORK.

An Act respecting the employment of mechanics and laborers upon the public work of this state and the municipalities within the same. Approved March 2, 1899.

P. L., p. 524

Prohibits the employment of aliens on public work.

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## RAILROADS.

An Act concerning railroads (Revision of 1903).

P. L., p. 645.

Sec. 30 authorizes cities to make contracts for change of grade.

Sec. 36 provides for petition to Court of Chancery for gates or flagman.

An Act to provide funds to enable any city or other municipality in this state to meet its obligations under any contract heretofore or hereafter made with railroad companies whose roads enter its corporate limits, for the change or elevation of their railroads, and, when necessary for that purpose, for vacating, changing the grade, or altering the lines, of any street or highway therein. Approved March 30, 1904.

P. L., p. 372.

An Act to amend an act entitled, "An Act concerning railroads." (Revision of 1900.) Approved April fourteenth, nineteen hundred and three. Approved March 30, 1905.

P. L., p. 130.

Amends Section 34, providing for elevation of railroads through cities.

An Act to amend an act entitled, "An Act concerning railroads." (Revision of 1903.) Approved April fourteenth, one thousand nine hundred and three. Approved June 5th, 1906.

P. L., p. 663.

Amends Section 27, providing for the elevation or depression of grade crossings in cities.

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### SALE OF PROPERTY.

An Act prohibiting the sale or lease by any city of this state of its municipal water, light, heat, power or other public utility plant or plants, except by assent of a majority of the legal voters of said city voting at a special election to be held therein. Approved May 13, 1907.

P. L., p. 408.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Neither the water works or water works plant or plants, nor the municipal light, heat and power plant or plants, nor any other public utility plant or plants, shall be sold or leased by any city in this state until such sale or lease is assented to by a majority of the legal voters of such city voting at a special election to be held in such city at a time to be fixed by the city council or other legislative body of such city, which election shall be conducted as near as may be according to and under the provisions of the General Election act of this State, and the question to be submitted to the voters of such city at any such election shall be "for" or "against the sale" or "lease" (as the case may be) of (here insert the name or a short description of the plant or other property to be sold or leased):

2. This act shall take effect immediately.



**SCHOOLS.**

An Act to establish a thorough and efficient system of free public schools, and to provide for the maintenance support and management thereof. Approved October 19, 1903. P. L. p. 1.

Adopted by voters of the city of Camden at the election held in November, 1903.

Supplement approved March 2, 1904. P. L., p. 28.

Amendment to Section 78, approved March 14, 1904.  
P. L., p. 49.

Amendment to Section 76, approved March 16, 1904.  
P. L., p. 63.

Supplement approved March 23, 1904. P. L., p. 236.

Supplement approved March 28, 1904. P. L., p. 272.

Amendment to Section 185, approved March 29, 1904.  
P. L., p. 341.

Supplement approved March 21, 1905. P. L., p. 73.

Supplement approved April 3, 1905. P. L., p. 194.

Amendment to Sections 153 and 158, approved April 20, 1905.  
P. L., p. 335.

Supplement approved April 20, 1905. P. L., p. 344.

Amendment to Section 23, approved August 7, 1905.  
P. L., p. 559.

Amendment to Section 121, approved April 12, 1906.  
P. L., p. 168.

Supplement approved April 20, 1906. P. L., p. 272.

Amendment to Section 189, approved May 2, 1906.  
P. L., p. 329.

Amendment to Section 30, approved June 12, 1906.

P. L., p. 681.

Supplement approved May 7, 1907.

P. L., p. 282.

Amendment to Sections 85 and 91, approved May 7, 1907.

P. L., p. 283.

Amendment to Section 182, approved May 7, 1907.

P. L., p. 287.

Amendment to Section 126, approved May 7, 1907.

P. L., p. 290.

Amendment to Article XXV, approved May 7, 1907.

P. L., p. 365.

Amendment to Section 73, approved October 28, 1907.

P. L., p. 695.

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## SEWERS.

An Act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof. Approved March 8, 1882.

P. L., p. 60. G. S., p. 605.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the board of aldermen of any city in this state to order and cause sewers or drains to be constructed in any part of such city, and to provide, maintain and alter a general system of sewerage and drainage for such city, or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit within or without such city, for sewerage or drainage, and to provide for the disposal of sewage and drainage from the city; and to repair and cleanse such sewers and drains.

The first subdivision of Section 2 was amended by Act approved April 28, 1887, P. L., p. 233.; G. S., 608; to read as follows:

Sec. 2. That whenever a petition in writing of any owners of property interested shall be presented to the board of aldermen of any city in this state asking for the construction of a sewer or drain in any particular section of said city, it shall be lawful for such board to adopt a resolution declaring its intention to cause such sewer or drain to be constructed, and if it shall be necessary, in the opinion of the board of aldermen, to construct such sewer or drain upon or across any private lands, then it shall also be lawful for said board to include in said resolution a brief description of the proposed location upon private lands of such sewer or drain; and the said board shall forthwith cause public notice of such intention to be given by the city clerk, or other designated officer, in two or more newspapers printed or circulating in such city, for the space of ten days, briefly describing the proposed work, and requesting such persons as may object thereto to present their objections, in writing, at or before the expiration of ten days from the date of such notice, to the officer signing the same; and if persons owning or representing more than one-half of the lineal frontage of land along the street or streets, or part or parts thereof, through which it is proposed to construct any lateral sewer or drain, and of the private lands upon or across which it is proposed to construct the same, shall so present their objections in writing, then such proceedings shall cease; but otherwise, and after the expiration of said ten days, it shall be lawful for such board to adopt an ordinance for the construction of such sewer or drain, to award contracts for the same, or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

2. And be it enacted, That whenever any board of aldermen shall have adopted an ordinance for the construction of any sewer or drain upon or across any private lands as aforesaid, it shall be lawful for said board to acquire said lands in the corporate name of the city, in fee simple, or to acquire any estate less than a fee simple therein, according as the said board shall deem the interests of the city shall require; the said board are hereby authorized to treat with the owner or owners of such lands for an estate in fee simple, or for any less estate therein, and to make such compensation therefor as they shall deem reasonable, and thereupon shall receive from

such owner or owners a conveyance of such lands or estate therein to the city.

3. And be it enacted, That in case no agreement can be made with the owner or owners of any such lands as aforesaid as to the amount of compensation to be paid for such lands or for such estate therein as aforesaid, by reason of the unwillingness of said owners, or any of them, to accept such compensation as said board may deem reasonable, or by reason of the absence from this state or legal incapacity of said owners, or any of them, or by reason of any owner being unknown, it shall be the duty of the circuit court of the county in which the city wherein it is proposed to construct such sewer or drain is situate, upon application to said court by said board, after ten days' previous notice in writing of such application to the persons interested, if known and in this state, served in person or by leaving at the dwelling house or usual place of abode of such owner or owners, or, if unknown or absent from this state, or under age or other legal disability, after publication thereof for any term not less than ten days in a newspaper published in such city, which notice shall set forth in general terms a description of the lands required or in which such estate as aforesaid is required, to appoint three disinterested appraisers from the county wherein such city is situate to determine the compensation to be paid for such lands or for such estate therein; and it shall be the duty of said appraisers to meet at such time and place as the court by its order shall appoint, and after having taken an oath or affirmation faithfully and impartially to discharge the duties herein reposed in them, and after having carefully viewed the premises and given a hearing to all interested parties who shall appear before them and desire to be heard, within ten days after such meeting, to deliver to the city clerk a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands in which such estate in fee simple or such less estate as aforesaid shall be required; the city clerk shall deliver the said appraisement to said board of aldermen at its next meeting after the same shall be delivered to him, and the said board shall thereupon cause the same to be recorded in the office of the registry of deeds for the county, and may thereupon order the city treasurer, or other proper officer, to make

or tender payment of the sums awarded in such appraisal to the respective owners of lands therein mentioned, and after such payment or tender of payment the said board, their agents and workmen, shall have power to enter upon and take possession of said lands for the purposes aforesaid; and in case any owner or owners of lands shall refuse to accept such payment upon tender made, or be under age or other legal disability, or be unknown or absent from the state, then and in such case it shall be sufficient for said city treasurer or other officer to pay the amount of the award to any such owner into the circuit court of the county in which such city is situated, subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all proceedings in said circuit court shall be paid out of the city treasury.

4. And be it enacted, That in case the board of aldermen, or the owner or owners of said land or any of them, shall be dissatisfied with the award of the appraisers made as aforesaid, and shall apply to the circuit court at the next term after the said award shall be delivered to the said board, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, a view of the premises to be had, and the said issue to be tried at the same or at any subsequent term of said circuit court, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or estate therein required and the damages sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against the city and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the appraisers shall have awarded, then the said costs shall be paid by the applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the workmen and agents of the city from entering upon any such lands and constructing a sewer or drain thereon upon the award of the apprais-

ers; provided, the amount of the award shall first be paid, or, in case the said award will not be received by said owner or owners upon a tender thereof, or the owner or owners are under a legal disability or absent from the state, or unknown, then provided, such award be first paid into the circuit court of the county for the use of such owner or owners.

5. And be it enacted, That the cost of the lands or estates therein acquired under the provisions of this act shall be deemed and taken to be a part of the cost of constructing such sewer or drain as aforesaid, and that temporary improvement certificates may from time to time be issued for the purpose of raising funds to pay for such lands and estates therein, in the same manner and of the same effect as certificates are authorized to be issued by the act to which this is a supplement for the payment of the work as it progresses.

II. If, in the judgment of the said board of aldermen, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board shall apply to the circuit court of the county wherein such city is situate, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days' publication in two newspapers printed or circulating in such city, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the city making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause:

III. The said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them, fairly, legally and equitably, according to the best of

their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make;

IV. The said commissioners, having thus qualified, shall give notice, under the direction of the said court, of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time in their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned; but the failure to so ascertain the name of any such owner, or to state the same correctly, or the omission of any such name from the said report, shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

V. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely in their judgment to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map, prepared by the city surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such sewer or drain; the said report shall state the cost of the whole work, the portion, if any, assessed upon the city at large, and shall give the names, so far as ascertained, of the owners of the said lots or parcels of land and real estate, and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits, which assessment shall in each case be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by

the construction of such sewer or drain; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large, and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain.

VI. Upon the coming in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper, of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said city as upon the owners of any lands and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the city clerk of the said city, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the officer of such city charged with the duty of collecting assessments for improvements.

VII. No certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.



VIII. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state; and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities, and shall be collected in the same manner that assessments are now collected under such laws; and in case of the non-payment of such assessments the lands and real estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws;

IX. The board of aldermen may pay the expenses of any such improvement by the issue of temporary improvement certificates, from time to time, as the work progresses, in such form as the board may prescribe; said certificates shall bear interest at a rate not exceeding six per centum per annum, to be fixed by the board, and shall be payable at the expiration of not more than three years from the date of their issue;

X. It shall be the duty of the board of aldermen to incorporate in the annual tax levy, in each year, such amount as shall be required to be paid by such city at large, on account of any such improvement, made in the next preceeding fiscal year, over and above the total amount of the assessment made against the lands and real estate peculiarly benefited, and the same shall be raised by general tax; and the moneys received for assessments, and the moneys so raised by general tax, for the purpose aforesaid, shall be reserved for, and exclusively applied to, the payment for such improvement, or to the payment of any temporary indebtedness incurred by the city therefor;

XI. The following fees shall be allowed for services under this act:

To the justice of the supreme court: For the appointment of the said commissioners, five dollars; for the hearing of objections to the report, and any other hearing

required by this act, five dollars for every day he shall sit to hear the same; for the confirmation of any such report, five dollars; provided, that no fees shall be allowed to any such justice receiving a salary in lieu of all fees;

To each commissioner: Five dollars for every day he shall be actually engaged in the performance of the duties herein required of him;

The foregoing fees shall be paid by the city in which the improvement is made.

3. And be it enacted, That the term "board of aldermen," when used in this act, shall be held to include the common council or other municipal body now charged by law with the construction of sewers in any of the cities of this state; and the term "sewer" or "drain" shall be held to include catch basins, receiving basins, and all the other appurtenances of sewers or drains.

4. And be it enacted, That this act shall take effect immediately.

**Supplement approved March 23, 1886.**

P. L., p. 119. G. S., p. 607.

**Supplement approved June 1, 1886.**

P. L., p. 398. G. S., p. 608.

**Supplement approved May 7, 1889.**

P. L., p. 379. G. S., p. 610.

**Supplement approved April 7, 1890.**

P. L., p. 213. G. S., p. 610.

**Supplement approved March 11, 1893.**

P. L., p. 230. G. S., p. 611.

**Supplement approved April 19, 1894.**

P. L., p. 68. G. S., p. 612.

**Supplement approved March 1, 1897.**

P. L., p. 25.

- Supplement approved April 16, 1897. P. L., p. 228.
- Supplement approved April 5, 1898. P. L., p. 340.
- Supplement approved March 22, 1899. P. L., p. 224.
- Supplement approved March 13, 1901. P. L., p. 77.
- Supplement approved April 3, 1902. P. L., p. 343.
- Supplement approved March 13, 1903. P. L., p. 58.
- Supplement approved April 14, 1903. P. L., p. 704.
- Supplement approved March 28, 1904. P. L., p. 217.
- Supplement approved May 2, 1906. P. L., p. 330.
- An act concerning the construction of sewers in cities of this state. Approved April 30, 1884.  
P. L., p. 281. G. S., p. 614.
- An act to enable cities to build main sewers in certain districts, and to acquire private lands for that purpose. Approved March 24, 1885.  
P. L., p. 123. G. S., p. 614.
- Supplement approved March 26, 1888.  
P. L., p. 260. G. S., p. 615.
- An act respecting sewers and sewer connections in cities of this state. Approved March 26, 1896.  
P. L., p. 159.
- Sections 4 and 6 amended by act of April 13, 1907.  
P. L., p. 111.
- An act concerning the enforcement of the health code and ordinances and regulations of the local boards of health in cities, towns, townships or other municipalities of this state wherein sewers are now or hereafter may be constructed. Approved May 12, 1896.  
P. L., p. 345.

An act to authorize the reinstitution, amendment and perfection of informal, insufficient, defective, deficient, irregular or illegal proceedings for the building or construction of any sewers, drains and receiving basins in, through and upon any street, road or avenue, in any city, or any part thereof, in this state, and assessments for or on account thereof, and for the collection of said assessments. Approved May 11, 1897.  
P. L., p. 367.

An act relating to sewers. Approved March 23, 1899.  
P. L., p. 264.

Authorizes change of course of sewer, when it may endanger important structures.

An act to authorize cities to issue bonds to obtain money to rebuild sewers. Approved March 19, 1900.  
P. L., p. 68.

An act to provide for the assessment of the cost and expense of the construction of sewers, drains and receiving basins, or any or either of them, heretofore laid or built, or hereafter to be laid or built, within the territorial limits of the cities of this state where the proceedings taken for the construction or assessment thereof have been, or may hereafter be, informal or defective, or both. Approved April 8, 1903.  
P. L., p. 481.

An Act concerning the making and collecting of assessments for benefits conferred by the construction of sewers. Approved May 7, 1907.  
P. L., p. 300.

Provides for assessment of lands benefited but omitted in making assessment.

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## SIDEWALKS.

An Act to authorize cities to order and regulate the construction of sidewalks and to provide for the payment of the expense thereof. Approved May 10, 1884.  
P. L., p. 336. G. S., p. 635.

Supplement approved March 31, 1885.

P. L., p. 181. G. S., p. 636.

Supplement approved March 7, 1899.

P. L., p. 19.

An Act in relation to the repairing of sidewalks in the cities of this state. Approved April 9, 1889.

P. L., p. 227. G. S., p. 636.

An Act to authorize cities to construct and repair sidewalks and curbs, and to provide for the payment of the cost thereof. Approved April 13, 1908.

P. L., p. 387.

An Act to authorize cities to construct and repair sidewalks and curbs, and to provide for the payment of the cost thereof, Approved April 13, 1908.

P. L., p. 387.

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### SINKING FUND

An Act authorizing the establishment of Sinking Funds in cities in this state. Approved March 23, 1881.

P. L., p. 189. G. S., p. 714.

Provides that city council may create and regulate a sinking fund.

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### SNOW AND ICE.

An Act concerning cities. Approved March 23, 1881.

P. L., p. 193. G. S., p. 789.

Provides that council may compel removal of snow and ice from the sidewalks and gutters, under a penalty not exceeding five dollars in each case.

An Act to provide for the removal of snow and ice, grass, weeds, and other impediments from the sidewalks and gutters of streets, avenues and highways in municipalities of this state. Approved March 28, 1904.

P. L., p. 255.

**STREETS.**

An Act to authorize cities to make permanent improvements in the roadbeds of streets at the general expense. Approved May 13, 1884.

P. L., p. 341. G. S., p. 589.

An Act relating to the change of grade in cities of this state. Approved May 7, 1889.

P. L., p. 378. G. S., p. 592.

Provides for award of damages to owners of buildings on altering grade of streets, to be assessed upon lands benefited.

An Act concerning cities. Approved March 15, 1893.

P. L., p. 330. G. S., p. 593.

Authorizes common council to adopt ordinances for paving streets, notwithstanding objections thereto.

An Act to enable cities of this state to improve any street or streets, or portion thereof, and to provide payment for the cost and expenses of such improvement. Approved May 23, 1894.

P. L., p. 485. G. S., p. 595.

An Act to enable cities of this state under certain circumstances to vacate portions of streets and alleys which have not been opened to public use. Approved April 22, 1897.

P. L., p. 245.

Provides for vacation of street or alley dedicated to public use but not opened for twenty years.

An Act concerning cities. Approved March 24, 1899.

P. L., p. 497.

Provides that before paving street council may provide for certain street work, as the laying of pipes, wires, and conduits.

An Act respecting the improvement of county roads in cities. Approved March 24, 1899.

P. L., p. 481.

Provides for the improvement of a county road lying partly within the corporate limits of a municipal corporation, by joint action of the freeholders and the municipality.

**An Act providing for the repavement of paved streets in cities of this state, and for the issuance of bonds in payment thereof. Approved March 2, 1898.**

P. L., p. 43.

**Amendment approved April 8, 1903.**

P. L., p. 491.

**An Act to authorize the improvement of streets and highways in cities of this state, and to provide for the payment of the expense of the same. Approved June 13, 1893.**

P. L., p. 466.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

**Section 1, amended by act approved March 20, 1901.**

P. L., p. 179.

1. The common council, board of aldermen or governing body of any city in this state may, by ordinance, authorize the issuing of municipal bonds for the purpose of obtaining money from the sale thereof for the permanent improvement of the streets and highways of such city with permanent and durable material of a kind to be determined in each instance by the body or board of any city charged with the improvement of streets before the work is commenced, to an amount not exceeding fifteen dollars per capita for each of the inhabitants of said city, according to the last official census, but not more than one hundred and fifty thousand dollars of said total amount shall be raised by the issue and sale of bonds in one calendar year; that said bonds may be issued before or after the work is commenced; that the legislative body of any city or other body charged with the duty of improving the streets of any city may improve any street or highway, or portion thereof, with such pavements as aforesaid with the money obtained from the sale of said bonds; the streets to be improved shall be designated by ordinance, together with the kind of pavement proposed to improve them with; all work, however, shall be given out upon contract to the lowest responsible bidder, and only after bids therefor have been solicited and received; and the said common council, board of aldermen or other governing body as aforesaid shall have the right to reject any and all of such bids.

Section 2 amended by act approved March 23, 1899. P. L., p. 275.

2. The bonds authorized to be issued as aforesaid shall be made payable at any time within twenty years from the date of the same, and shall draw interest at a rate not exceeding five per centum per annum, and shall be of such denomination as the board or legislative body hereinafter authorized to issue the same may determine, and all such bonds shall be signed by the mayor and such other officer as the board or body so issuing the same may determine, and they may either be registered or coupon bonds; all of the said bonds shall be numbered, and a register of such numbers, the date of issuing and the time of payment of the same shall be made by the comptroller, or other proper financial officer, in a book to be provided for that purpose, and none of said bonds shall be sold for an amount less than its par value; that the interest on the bonds shall be raised annually by taxation, and the principal of said bonds shall be paid by the city at maturity, and that money derived from assessments made as hereinafter provided for upon the property benefited by such improvements shall, when collected, be held as a fund toward the payment of the bonds issued for the purpose of making such improvements.

3. After the improvement or improvements have been completed, the said board having charge of said work shall apply to the court of common pleas of the county wherein such city is situated for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days' publication in two newspapers printed or circulating in such city, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the city making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner, and also to appoint and fill any vacancy that may occur in the office of any commissioner from any cause.

4. The said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized



to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

5. The said commissioners having thus qualified shall give notice under the direction of the said court of the time and place when and where they will hear any persons in interest, who may present themselves to be heard, and at such time and place and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend and shall give a public hearing to those persons who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time at their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the improvements as aforesaid, and shall state the same in the report hereinafter mentioned, but the failure to so ascertain the name of any such owner, or to state the same incorrectly, or the omission of any such name from the said report, shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

6. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises to be benefited by said improvement, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map prepared by the city surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such improvement; the said report shall state the cost of the whole work, the portion, if any, assessed upon the city at large, and shall give the names, so far as ascertained, of the owners of the said lots or parcels of lands and real estate, and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits, which as-

sessments shall in each case be in proportion as near as may be to an amount as will be equal to the amount of benefits actually acquired by the lands and real estate bordering on any street or highway or portion thereof so improved by reason of such improvement; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large and raised by general tax; in no case shall any property owner thereof be assessed beyond the amount of benefit actually derived from said improvement.

7. Upon the coming-in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners, to be appointed by the said court, forthwith to consider the subject-matter thereof, and the said commissioners, to whom such report shall be so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned, which the said court shall confirm; such report when so confirmed shall be final and conclusive as well upon the said city as upon the owners of any land and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the clerk of the said city, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the officer of such city charged with the duty of collecting assessments for improvements.

8. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner

or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state, and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities, and shall be collected in the same manner that assessments are now collected under such laws; and in case of non-payment of such assessments the lands and real estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws; that the amount so assessed against the different lots or parcels as aforesaid may be paid as follows: one-fifth thereof in each year, with interest thereon, at the rate aforesaid.

**Section 9 amended by act approved May 15, 1906.**

P. L., p. 439.

9. The following fees shall be allowed for services under this act: to each commissioner, five dollars for every day he shall be actually engaged in the performance of the duties herein required of him; to each officer or other person serving notices ordered by the court, fifty cents for the service of each notice.

**Section 10 amended by act approved April 16, 1907.**

P. L., p. 157.

10. For the purpose of discharging the said bonds as they mature and for the payment of the interest thereon, the board of aldermen, common council or other governing body as aforesaid may provide annually, by taxation, in the annual tax levy of such city, such sum as will be sufficient to pay the interest of the said bonds hereby authorized to be issued as it falls due and for the creation of a sinking fund for the payment of the principal of the said bonds when they shall mature, which sum so provided shall be collected annually by the collecting officer of said city, and such portion of said sum which shall have been collected or the interest on said bonds shall be paid by him into the treasury of said city, and such portion thereof which shall have been collected for said sinking fund shall be paid by him into the sinking fund of said city; or in lieu of providing for a sinking fund as aforesaid for the retirement of the said bonds

at maturity, the bonds may be so issued that a stated equitable amount of them (in value), having regard to other outstanding bonds already issued, shall become payable in each year, beginning not more than five years from the date of the earliest issue and ending in not more than twenty years from such date, and in such case there shall be raised by tax in each year such sum of money as may be necessary to pay the interest on all outstanding bonds and the principal of such bonds as may mature during that year.

**Section 11 amended by act approved March 23, 1899.**

P. L., p. 275.

11. No. bonds shall be issued, however, under the provisions of this act, where the amount of such bonds, together with all funded and floating indebtedness of such city then outstanding, after deducting the available sinking funds thereof, shall exceed ten per centum of the valuation of the real and personal property in the city as assessed for the purpose of taxation in the year next prior to the issue of bonds under this act, unless the issue of such bonds shall be authorized by the votes of three-fourths of the members of the council or other governing body of the city and approved by the mayor thereof.

12. This act shall take effect immediately.

**Supplement approved March 21, 1905.**

P. L., p. 64.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. All bonds heretofore or hereafter issued by any city in this state, in accordance with the provisions of the act to which this act is a supplement, are hereby authorized, validated and confirmed, as valid and legally binding obligations of said city, in all cases where the proceeds thereof have been or are to be applied for the purpose of paying for street improvements heretofore contracted for, and completed in such city, under the provisions of said act, notwithstanding the fact that the ordinance passed by city council authorizing said

improvement did not specifically name the kind or character of pavement with which such street or streets were to be improved.

2. All assessments of benefits heretofore or hereafter made upon the lands and real estate benefited by the improvements of any street in any city of this state, improved under the provisions of the act to which this act is a supplement, are hereby authorized and validated as a first lien upon the lands and real estate affected thereby, notwithstanding the fact that the ordinance passed by city council authorizing said improvement did not specifically name the kind or character of pavement with which such street or streets were to be improved.

3. That this act shall take effect immediately.

**Supplement approved April 17, 1905.**

P. L., p. 313.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The assessments of benefits, made in pursuance of the act to which this is a supplement, shall bear interest at the same rate as other assessments in said city from and after the end of sixty days following the confirmation thereof, and unless sooner paid, shall be payable in ten equal annual installments, which, together with the interest on all unpaid installments, shall be due and payable on the first day of June in each year; provided, however, that any such assessments may be paid at any earlier time, if the property owner may so desire; and in case of the failure of any property-owner to pay any such installment and interest within sixty days after it shall become due, the said lands may be sold for the collection of such installments or interest in the same manner as in the case of other unpaid assessments of taxes in such city; and provided further, that payments may be made in the manner aforesaid only when so authorized by resolution of the board of aldermen, common council or other governing body in such city.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. This act shall take effect immediately.

An Act relating to the purchase and acquisition by any city, township, town, borough or other municipality of the portion of any turnpike road lying within the limits of any such city, township, town, borough or other municipality, and to provide the money necessary for the purchase thereof. Approved March 24, 1899.

P. L., p. 501.

An Act to permit cities to have the streets thereof cleaned by contract. Approved March 23, 1900.

P. L., p. 293.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The board of aldermen, common council or other governing body having control of the streets of any city of this state may enter into a contract for a term not exceeding one year to have the streets of such city cleaned by contract.

2. This act shall take effect immediately.

An Act to enable cities to open streets, roads, highways and alleys, and to vacate, regulate and accept the same. Approved March 13, 1901.

P. L., p. 76.

An Act relating to street and sewer improvements, authorizing the issuance of bonds therefor and providing for the apportionment and payment of such bonds, in any city of the second class. Approved April 7, 1903.

P. L., p. 216.

An Act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways, and other public places. Approved March 27, 1906.

P. L., p. 50.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. Hereafter, where by law the consent of any municipality of this State is required for the use of any street, avenue, park, parkway, highway, or other public place, either above, below, or on the surface thereof, such consent shall not be granted by such municipality except as hereinafter provided.

2. No consent for the use of any street, avenue, park, parkway or other highway, either above, below or on the surface thereof, shall be granted by any municipality until a petition shall have been filed with the clerk of such municipality by the person or corporation desiring the same; which petition shall specify the period for which such consent is asked, and the uses in detail for which such street, avenue, park, parkway, highway or other public place is desired, and whether above, below or on surface thereof, and, in the case of street railways or traction companies, the character of the road proposed to be constructed, operated and maintained, the motive power to be used thereon, and the street, avenue, park, parkway, highway or other public place or places through which the same shall extend. Upon the filing of such petition the same shall not be considered by the board or body of such municipality authorized by law to make the grant therein petitioned for until public notice shall be given, by publication in one or more newspapers published and circulated in said municipality, or if there be no newspaper published in said municipality, then in one or more newspapers published in the county in which said municipality is located, to be designated by said board or body, once a week for at least two weeks, and by posting such notice in five of the most public places in said municipality for at least fourteen days before the meeting of the said board or body at which the said application shall be considered. Such notice shall specify the name of the person or corporation presenting such petition, the date and hour when the same will be considered by said board or body, the date of filing the same, the character of the use to which such street, avenue, park, parkway, highway or other public place is to be put; the street, avenue, park, parkway, highway or other public places in such municipality

through which the same shall extend and the time for which such permission or consent is sought, and, in case of street railways or traction companies, the character of the road proposed to be constructed, operated or maintained and the motive power to be used thereon. Upon the date fixed by such notice, or upon such subsequent date as the hearing of said petition may be adjourned, the board or body of said municipality may, by ordinance, and not otherwise, grant, for a period not exceeding twenty years, the right to use the street, avenue, park, parkway, highway or other public places petitioned for, or may provide for the submission of said ordinance to a popular vote, as hereinafter provided, or may, by resolution, refuse such permission.

3. Where an ordinance is introduced in accordance with the provisions of this act, the same shall not be acted upon by the said board or body at the meeting at which the same is introduced, but the same shall be laid over for not less than fourteen days and not passed until a subsequent regular meeting of said governing body or an adjourned meeting thereof.

4. The consent granted by an ordinance passed in accordance with the provisions of this act shall not become effective unless an acceptance in writing of such ordinance shall be filed by the person or corporation applying for such consent with the clerk or other equivalent officer of the board or body of the municipality granting said consent within thirty days after receiving notice of the passage of such ordinance.

5. In case application shall be made to a municipality for the consent of the said municipality to the use of any street, avenue, park, parkway, highway or other public place for a period of more than twenty years, the same procedure hereinabove provided for in case of application for the use for a lesser period shall be followed, except that if the said ordinance shall be passed by the said board or body and the acceptance thereof by the person or corporation making such application is filed as hereinabove provided, before the said consent of the said municipality shall become operative, said ordinance granting the consent of such municipality shall first be submitted to the legal voters of said municipality for their



approval, at a special election to be held for that purpose; and if at such election so held a majority of votes cast shall be in favor of granting said consent, then the said ordinance shall, as hereinafter provided, become operative upon the result of said election being reported to the board or body and entered upon its minutes; but if at said election a majority of all the votes cast shall be against the adoption of the said ordinance, then the said ordinance shall be void. The said board or body of said municipality shall, at the time of the adoption by it of the ordinance granting the consent of the said municipality, fix the date of said election, which shall not be less than thirty days from the date of the adoption of the said ordinance, but which shall not be within thirty days of the day upon which any general or other election is to be held, and shall, within five days after the adoption of said ordinance, cause the same to be published, at the expense of the petitioning company or person, in full in two or more newspapers published or circulated in said municipality, to be designated by said board or body, for at least two insertions, and by posting a copy thereof in ten of the most public places in said municipality; and on the day of the election herein provided for shall cause to be kept conspicuously displayed in each of the polling places where said election is being held a copy of said ordinance. Said election shall be conducted in accordance with the provisions of "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight and the acts amendatory thereof and supplementary thereto, so far as the same may be applicable, except as modified by this act.

6. At any election held in accordance with the provisions of this act, the ballots to be voted shall be in the following form: "In favor of granting the permission provided for by ordinance of (naming the board or body) adopted." (Insert date of adoption.) "Against the granting of the permission provided for by ordinance of (naming the board or body) adopted" (insert date of adoption). If a majority of the ballots cast at such election shall contain the words "In favor of granting the permission provided for by ordinance of (naming board or body) adopted" (insert date of adoption), it shall then be lawful for the person or corporation applying for the use of the street, avenue, park, parkway, highway or other

public place to use the same in accordance with the provisions of said ordinance. At such election no proposition shall be submitted except the foregoing. There shall be no registration for said election, but the boards of election shall procure and use at such special election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on said register, unless said voter shall appear in person before said board and satisfy said board by affidavit, which the said board is hereby authorized to take, that said voter has acquired the right of suffrage in said municipality since said registration was made.

7. Every consent to the use of any street, avenue, park, parkway, highway or other public place, granted under the provisions of this act, shall be for a term of years, and not in perpetuity, and shall not in any case exceed forty years.

8. The provisions herein contained in relation to the presentation of petitions and the securing of municipal consent are in addition to conditions already imposed by law.

9. This act shall take effect immediately.

**Supplement approved April 30, 1906.**

P. L., p. 311.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The provisions of the act entitled, "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways, highways and other public places," approved March twenty-seventh, one thousand nine hundred and six, shall not apply to or affect any railroad company now existing or hereafter created and organized under any law of this state, or any such company of any other state authorized to conduct or operate any line of railroad within this state; provided, however, that this act shall not be construed as authorizing any railroad company to hereafter construct a railroad at grade across or upon a street in any city of this

state without first obtaining from the municipal authorities such consent therefor as is now required by law, unless such construction be occasioned by the change of any railroad located at grade upon or across such street.

2. This act shall take effect immediately.

**Supplement approved April 13, 1908.**

P. L., p. 415.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The first section of the supplement, to which this is amendatory, is hereby amended to read as follows:

1. The provision of the act entitled "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places," approved March twenty-seventh, one thousand nine hundred and six, so far as they relate to the term for which any franchise or use may be granted, and which provide for a referendum in case application shall be made to a municipality for the consent of said municipality to the use of any street, avenue, park, parkway, highway or other public place for a period of more than twenty years, shall not hereafter apply to, affect or be binding upon any municipality of this state, except those having a population of twelve thousand inhabitants and upwards; provided, however, that no consent to the use of any street, avenue, park, parkway, highway, or other public place, hereafter granted by any municipality of this state, shall be, in any case, for a longer term than fifty years.

2. This act shall take effect immediately.

**Supplement approved April 15, 1908.**

P. L., p. 586.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The provisions of the act to which this act is a supplement shall not apply to or affect the giving of

consent or permission by one municipality for the use of any of its streets, avenues, parks, parkways, highways or other public places, either above, below or on the surface thereof, to another municipality for the laying therein of municipal water mains, upon obtaining such consent or permission as is authorized by any law of this state.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

An Act to provide for the protection of improved streets in cities of this state, to authorize cities to require water, sewer, and gas connections to be made before the improvement of any street, and empowering such city to make water, sewer and gas connections and the cost thereof a lien upon lands. Approved April 22, 1907.

P. L., p. 183.

An Act concerning the paving and repaving of streets, avenues and public highways in cities of this state, and permitting the use of wood block pavement on such streets and highways. Approved May 6, 1907.

P. L., p. 278.

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## TAXES.

An Act concerning the settlement and collection of arrearages of unpaid taxes, assessments, and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment. Approved March 30, 1886.

P. L., p. 149. G. S., p. 3370.

This act is known as the Martin Act and has been superseded to a large extent by the tax act of 1903.

**Supplement approved March 15, 1897.**

P. L., p. 37.

Provides that cities may sell lands bought in by the city for taxes.

**Supplement approved March 24, 1899.**

P. L., p. 516.

Provides for compromise in settlement of unpaid taxes, where lands have been sold for same.

**Amendment approved April 3, 1902.**

P. L., p. 344.

Provides for payment of search fees on redemption.

**Amendment approved April 3, 1902.**

P. L., p. 552.

Provides how land may be redeemed from tax sale.

**An Act relating to official searches and certificates as to tax, assessment and other municipal liens. Approved June 13, 1898.**

P. L., 477.

Fixes liability for errors in official searches.

**An Act for the assessment and collection of taxes. Approved April 8, 1903.**

P. L., p. 394.

A general law for the assessment and collection of taxes.

**An Act for the reduction and limitation of the rate of taxation into several taxing districts of this state. Approved April 13, 1906.**

P. L., p. 206.

**Supplement approved April 11, 1908.**

P. L., p. 372.

**Supplement approved April 14, 1908.**

P. L., p. 574.

**A Supplement to an act entitled "An Act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three. Approved April 20, 1906.**

P. L., p. 273.

Provides for taxation of property of municipalities in other taxing districts.

An Act for the taxation of the property and franchises of street railroad corporations using or occupying public streets, highways, roads, lanes or other public places in this state. Approved May 23, 1906.

P. L., p. 644.

An Act to provide for the publication annually of the tax list or duplicate or part thereof in cities, towns, townships and other municipalities in this state. Approved April 11, 1908.

P. L., p. 276.

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### THEATRES.

An Act to regulate theatres and places of public amusement in cities of this state. Approved March 15, 1899.

P. L., p. 99.

Provides regulations for protection from fire.

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### TREES.

An Act to provide for the planting and care of shade trees on the highways of the municipalities of this state. Approved March 28, 1893.

P. L., p. 496.

Provides for the appointment of three commissioners to have control of trees.

Supplement approved April 6, 1905.

P. L., p. 212.

Supplement approved May 2, 1906.

P. L., p. 333.

Amendment approved May 10, 1907.

P. L., p. 398.

Supplement approved April 13, 1908.

P. L., p. 401.

**WARDS.**

An Act to authorize cities of the second class to divide one or more wards, and to form new wards therefrom. Approved March 25, 1890.

P. L., p. 114. G. S., p. 511.

Empowers city council, by a three-fourths vote, and with the approval of the mayor, to divide a ward or wards, each into two wards; provided, that not more than two wards shall be so divided in five years.

An Act concerning wards and district lines in cities of this state, and for the formation of new wards. Approved March 14, 1895, Chapter 152.

Supplement approved March 24, 1899.

P. L., p. 361.

An Act concerning cities. Approved February 28, 1899.

P. L., p. 14.

Provides when cities may be redistricted into wards.

Amended by act approved March 5, 1900.

P. L., p. 24.

An Act concerning the division of wards in cities of the second class in this state. Approved March 30, 1905.

P. L., p. 131.

Supplement approved March 27, 1906.

P. L., p. 62.

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**WATER.**

An Act to enable second class cities in this state to improve and extend the water supply in said cities and to issue bonds for the payment thereof. Approved March 21, 1893.

P. L., p. 439. G. S., p. 506.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in any city of the second

class in this state in which the water works are owned and operated by the city authorities it shall and may be lawful for the common council, board of aldermen, board of public works, or other governing body having control and management of such water works, by whatever name such governing body shall be called, whenever they shall deem it expedient, to purchase and acquire such additional land, property, water source, water rights and privileges as they shall consider advisable for the improvement and extension of the water supply of such city, either at or near the present water works or at any other place in this state within twenty miles of such city, and to sink wells and to erect thereon reservoirs, pumping stations and such buildings as may be deemed advisable by said common council, board of aldermen, board of public works or other governing body for that purpose, and to purchase and erect such pumps, machinery and other appliances as shall be deemed advisable, and to lay pipes for conduits therefrom to connect with the pipes now laid within said city and to lay additional pipes in and along the streets of such city for the purpose of extending the water supply therein, and that it shall and may be lawful for said city to acquire the said land, water rights or property, in fee simple or any lesser estate or right therein.

2. And be it enacted, That whenever in the judgment of the common council, board of aldermen, board of public works or other governing body of any such city, additional water facilities are or may be desired for public use it shall and may be lawful for such council, board of public works or other governing body to authorize the chief engineer of the water department of such city, or other person or persons appointed by said council, board of aldermen, board of public works or other governing body, to treat with the owners of such lands and water rights as may be required to be used for water purposes; and in case it should, in any case, be found that suitable property cannot be purchased by agreement with the owner or owners, or in case the price demanded by such owner or owners is, in the judgment of the common council, board of public works or other governing body, in any case exorbitant and more than a fair equivalent therefor, then the said chief engineer or other person or persons appointed by said common council, board of public works, board of aldermen or other governing power shall report



the same with a description of the lands to the common council, board of public works or other governing body, and the said council, board of public works or other governing body may order or direct the condemnation thereof.

3. And be it enacted, That if the said common council, board of public works or other governing body shall in any case direct the condemnation of any lands or water rights, as provided for in the preceding section, it shall be the duty of the city council forthwith to apply to one of the justices of the supreme court of this state for the appointment of three commissioners to make an appraisal of the value of the lands or water rights so to be condemned for the purpose aforesaid, and of the damages which any owner or owners of such lands or water rights may suffer by reason of the taking thereof: provided, that at least four days previous notice shall be given by service, either personally or by leaving the said notice at the dwelling house or usual place of abode of each owner or owners, or in case of absence from the state, or legal disability of such owner or owners, such notice shall be published in two or more newspapers published and circulating near the lands or water rights in question, for two weeks.

4. And be it enacted, That the said commissioners appointed by said justice, having taken an oath faithfully and impartially to execute the duties of their office, shall forthwith proceed to estimate and determine the fair value of the lands and real estate or water rights to be taken and condemned as aforesaid, and the damage which the owner or owners thereof will suffer by reason of the taking thereof, first having given at least ten days' notice in writing to the said owner or owners, either personally or by leaving the same at his or her place of abode of the time and place when and where they may be heard in relation to the matter: in case any owner shall be an infant, married woman, non compos mentis or absent from the city or place where such condemnation proceedings are taken, or be from any cause incapacitated to act in this behalf then notice of the time and place and object of said meeting shall be advertised or other notice given as the said justice may direct, and said meeting or meetings may be adjourned from time to time at the discre-

tion of said commissioners; as soon as they shall have determined upon said valuation, they shall make and sign a certificate thereof and file the same in the office of the city clerk of such city or such other place as the said justice may direct, immediately upon the payment to said owner or owners of the amount of said valuation, or in case he or they will not or cannot receive the same, upon the deposit of the same in such bank or institution as the said justice may direct, the title to and the right of possession of such property or water rights shall immediately become vested in such city or place; and any owner conceiving himself or herself aggrieved by the proceedings of said commissioners may appeal therefrom to the supreme court of this state at any time within sixty days after the filing of said certificate, and the said court shall thereupon order a trial by jury to assess the value of said property and the said damages, which trial shall be conducted in all respects as in other cases of trial by jury, and the final judgment of the said court upon the verdict rendered therein shall be conclusive upon all parties as to the said valuation and damages, and the amount already paid or deposited as aforesaid shall be increased or diminished accordingly.

5. And be it enacted, That the commissioners so to be appointed by the said justice of the supreme court shall receive such compensation for their services as the said justice shall order and direct, and the same shall be paid, as well as all other expenses incident to the condemnation proceedings, from the funds provided as herein directed for the purchase of land and water rights and the erection of buildings and the laying of water pipes.

6. And be it enacted, That the said common council, board of aldermen or other governing body having control and management of the finances of said city, and the application of the governing body having the control and management of the water supply of said city be and are hereby authorized and required, for the purpose of improving and extending such water supply and the purchase and acquisition of land and water rights therefor and the construction of buildings and reservoirs thereon, and the purchase and erection of pumps, machinery and other appliances and the laying of pipes in and along the streets of such city, to issue bonds in the name

and under the seal of the city, to be denominated on their face "water bonds," in addition to any heretofore authorized by law, to any amount not exceeding three hundred thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum, and shall be redeemable at any time not less than five nor more than thirty years from their date, in the discretion of said board, which bonds may be sold at public or private sale for the best price they can obtain for the same, but not under the par value thereof; all bonds issued as aforesaid shall be signed by the city treasurer and countersigned by the mayor of such city, and all the real estate within such city shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

7. And be it enacted, That such be and is hereby authorized to contract with the authorities of any other municipality for furnishing water to the citizens and the extinguishment of fires.

8. And be it enacted, That any such city shall by ordinance create establish, maintain and regulate a sinking fund for the redemption of the bonds created by this act, and define the powers and duties of the board or committee in charge thereof, to which shall be added annually not less than five per centum of the gross receipts from the water works of said city.

9. And be enacted, That all acts and parts of acts, general, and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

**An Act to authorize municipal corporations owning or controlling water works to make contracts to furnish water for public or private uses with any adjoining municipality or with any private corporation therein. Approved April 16, 1897.**

P. L., p. 232.

**An Act to authorize cities to enlarge or construct water mains and to provide for the payment thereof. Approved March 23, 1904.**

P. L., p. 278.

An Act to authorize cities having a public water supply derived from sources beyond the city limits to protect the same from pollution by providing for any portion of the territory from which such water is derived or through which it flows a system of sewers or drains in order to take up, carry off and dispose of the sewage and other polluting matter, and providing also for the raising and expenditure of the money necessary for that purpose. Approved April 4, 1907.

P. L., p. 57.

An Act to authorize cities owning their own water mains to lay or extend new or additional water mains, and to issue bonds in payment thereof. Approved May 7, 1907.

P. L., p. 298.

An Act authorizing cities of this state to issue and sell water bonds and providing for the application of the proceeds resulting from the sale thereof and providing for the payment of the principal of, and interest on, said bonds. Approved April 8, 1908.

P. L., p. 173.

An Act to authorize cities owning a public water supply derived from sources beyond the limits of such city to issue bonds to acquire additional lands and real estate, water and water rights located within or adjacent to the territory of the water shed from which such source of public water supply is derived, and to acquire the water rights necessary for the use of the water therefrom. Approved April 16, 1908.

P. L., p. 609.

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## WEIGHTS AND MEASURES.

An Act to establish a uniform standard of weights and measures and balances in this state and to punish the fraudulent use thereof (Revision of 1908).. Approved April 14, 1908.

P. L., p. 539.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. Weights, measures and balances which have been or may hereafter be received from the United States,

under a resolution of Congress, approved June fourteenth, one thousand eight hundred and thirty-six, and such new weights, measures and balances as shall be received from the United States as standard weights, measures and balances in addition thereto or in renewal thereof, shall be the authorized standards by which all county and municipal standards of weights and measures in this state shall be tried, proved and sealed.

2. Such standards shall be deposited in the office of the Secretary of State at Trenton and in the offices of the clerks of the several counties of this state. The said Secretary of State and clerks of the several counties, and their successors in office, are hereby required to preserve and care for such standards and to keep them in proper condition for comparison with those used by the inhabitants of this state, when required by the provisions of this act.

#### THE STANDARD BUSHEL.

3. The standard bushel shall contain two thousand one hundred and fifty and forty-two one-hundredths (2,150.42) cubic inches which capacity shall apply to all articles usually sold by the bushel and not weighed. On all sales by weight of the agricultural products hereinafter enumerated, the number of pounds per bushel, as stated in the following schedule, shall be the true and legal standard:

Apples . . . . .	50 pounds.
Apples (dried) . . . . .	25 pounds.
Barley, . . . . .	48 pounds.
Beans, . . . . .	60 pounds.
Beets, . . . . .	60 pounds.
Buckwheat, . . . . .	50 pounds.
Carrots, . . . . .	50 pounds.
Clover Seed, . . . . .	64 pounds.
Flaxseed (linseed), . . . . .	55 pounds.
Indian Corn or Maize, . . . . .	56 pounds.
Oats, . . . . .	30 pounds.
Onions, . . . . .	57 pounds.
Peaches matured, . . . . .	50 pounds.
Peaches, dried, peeled, and unpeeled, . . .	33 pounds.
Peas, . . . . .	60 pounds.

Potatoes (Irish), .....	60 pounds.
Potatoes (Sweet), .....	54 pounds.
Rye, .....	56 pounds.
Sugar Cane (Amber), .....	57 pounds.
Timothy Seed, .....	45 pounds.
Wheat, . . . . .	60 pounds.

#### THE STANDARD LIQUOR GALLON AND QUART.

4. The standard gallon shall contain two hundred and thirty-one (231) cubic inches. The standard liquid quart shall contain fifty-seven and seventy-five one-hundredths (57.75) cubic inches.

#### THE STANDARD YARD.

5. The standard yard shall contain three (3) feet of thirty-six inches.

#### THE STANDARD AVOIRDUPOIS POUND.

6. The standard avoirdupois pound shall contain seven thousand (7,000) grains Troy which shall be the standard for all commodities usually sold by weight except gold, silver, jewels and drugs. In the sale of gold, silver, jewels and drugs the standard pound shall contain five thousand seven hundred and sixty (5,760) grains Troy.

7. If any person or persons, corporation or corporations within this state shall wilfully vend or sell any wares or merchandise or any commodity whatever by any weight or measure of a less length, weight or capacity than those hereinbefore mentioned, for the purpose of defrauding the person or persons purchasing the same, the person or persons so offending shall on conviction thereof, forfeit and pay for every offense a sum of not less than two or more than five times the value of the article so illegally sold. Such sum shall be recovered by action of debt, with costs, in a court having cognizance of that sum, one-half of said penalty to go to the prosecutor and the other half to the educational fund of the township, or other municipality in which the offense may have been committed.

8. For the protection of any person or persons, corpor-

ation or corporations against prosecution for violating this act, he, she or they may have access to the standard weights or measures which now are, or may hereafter be, deposited in the clerk's office of their respective counties, for the purpose of comparing the several weights and measures by them used with those so deposited. The said clerks shall be entitled to receive one cent for every weight, two cents for every measure and ten cents for every scale compared, adjusted or corrected, to be paid by the person by whom application is made.

#### THE STANDARD FOR LAND MEASUREMENT.

9. The standard chain for the measurement of land shall consist of four (4) rods of sixty-six (66) feet.

10. The state geologist is hereby directed and required to preserve in his office a surveyor's hardened steel tape, fifty feet in length, of United States standard measurement, graduated to feet and hundredths, with proper adjustment for temperature, and with a spring balance attachment to pull not less than six nor more than seven pounds. The said tape shall be the standard of measurement for the surveying of all land in the State of New Jersey. The said standard shall be subject to the use, in the office of the state geologist, or under his supervision, of any surveyor of this state for the purpose of testing chains or tapes used by any such surveyor.

#### THE STANDARD FOR WEIGHT OF COAL.

11. The standard gross ton by which coal shall be weighed shall consist of two thousand two hundred and forty (2,240) pounds. The standard net ton by which coal shall be weighed shall consist of two thousand (2,000) pounds.

12. Any person, firm or corporation that shall sell or deliver or attempt to sell or deliver less than two thousand pounds by weight to a net ton or two thousand two hundred and forty pounds by weight to a gross ton, or a proper proportion thereof for fractions of a ton, shall be liable to a penalty of fifty dollars for each offence; provided, that in all cases one per centum of weight shall be allowed for variation of scales and wastage.

13. No person, firm or corporation shall deliver or cause to be delivered any coal which shall have been sold by weight, without each load being accompanied with a delivery ticket and a duplicate thereof. On both tickets there shall be distinctly and indelibly expressed in ink or otherwise, the quantity or quantities in pounds of coal contained in the cart, wagon or other vehicle used in such delivery, the name of the purchaser thereof and the name of the dealer from whom purchased. One of such tickets shall be delivered to the person receiving such coal, and the other ticket shall be retained by the seller of the coal; provided, however, that the provisions of this section shall not apply to coal sold to be delivered by the entire cargo direct from the vessels, boats or cars containing the same, to one destination and accepted by the purchaser on the original bill of lading as proof of weight. Any person, firm or corporation that shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars for each offence.

14. The mayors of cities and boroughs and the governing bodies of other municipalities are hereby authorized to designate stationary or movable scales, suitable for the purpose of weighing coal. The owners thereof may tender the same for public use, in such convenient parts of the municipality and in such numbers as shall be deemed necessary, on which the coal and vehicle in which the same is carried may be weighed at the request of the purchaser of the coal. The designation of such scales shall be in writing, and a notice thereof shall annually be inserted in a newspaper circulating in the municipality. The owners of the scales so designated shall provide, at their own expense, test weights, and the said scales shall be subject at all times to the inspection and supervision of the official sealer or inspector of weights and measures, if there be such in the municipality. The owner of such scales shall employ, at his expense, a competent weigh master, and shall be entitled to charge for weighing coal and the vehicle containing the same a fee not exceeding twenty-five cents for each load; provided, that empty vehicles returning to such scales after delivery of the coal weighed therein shall be re-weighed without additional charge. The owner of scales so designated shall enter into bond to the municipality in which such scales are situated in the sum of one hundred dollars, conditioned



that the said scales shall be kept in such condition as at all times to properly register the weight of coal, and that the person weighing coal thereon shall perform his duties faithfully and furnish correct certificates to all persons having coal or vehicles weighed at such scales. Any owner of such scales, or any agent or representative of such owner, or any weigh-master employed by him, who shall be in any manner concerned in any fraudulent weighing of coal or vehicles, at such scales, shall be liable to a penalty of fifty dollars for each offence. Every owner of such scales shall keep a book in which shall be entered in ink a memorandum of every load of coal weighed at such scales, showing the name of the person, firm or corporation delivering said coal, the net weight thereof as shown by the delivery ticket thereof, the name of the purchaser thereof, the gross weight of the coal and vehicle, and net weight of the coal as weighed, and the date of the weighing thereof; such books shall be open to the inspection of the purchaser and seller of the coal.

15. Every purchaser of coal before accepting delivery of the same, may require any load of said coal to be weighed at his expense either at scales designated under the provisions of section four, nearest to the point of delivery, or, if the seller so prefer, at the public scales of the municipality, if such there be. Upon request of the said purchaser or his servant or agent, the driver or other person in charge of any vehicle containing coal to be delivered to said purchaser shall take the vehicle containing coal immediately and directly to such scales, and shall there have said vehicle and the coal contained therein weighed, and shall at the time exhibit to the person weighing the same the delivery ticket accompanying such load and permit a copy of said ticket to be made, and after delivery of the coal shall take the empty vehicle from which the same was delivered immediately and directly to the same scales to be weighed. A certificate of the weight of such coal, so weighed as aforesaid, shall thereupon be furnished to the purchaser of such coal by the person in charge of the scales in which said coal is weighed. If any seller of coal shall refuse to permit coal purchased from him to be weighed, at the request of the purchaser or his servant or agent as herein provided, or if any driver or other person in charge of a vehicle containing coal or from which coal has been delivered, shall

refuse to take the same, at the request of the purchaser or his servant or agent as aforesaid, immediately and directly to the scales for the purpose of having the same weighed, or the empty vehicle re-weighed, or if any such driver or other person in charge of a vehicle containing coal shall fail, upon the request of the purchaser or his servant or agent as aforesaid, to go immediately and directly to the scales for the purpose of weighing the said coal and vehicle, and reweighing the empty vehicle, or shall refuse to exhibit to the person weighing the same the delivery ticket or refuse to permit a copy of said ticket to be made, the person, firm or corporation selling the said coal shall be liable to a penalty of fifty dollars for each offence.

16. The penalties provided by this act shall be recoverable in an action upon contract at the suit and for the benefit of the municipality in which the said seller of coal shall have made the sale, which action may be brought in any court having jurisdiction of civil suits for the amount demanded.

#### THE REGULATION OF WEIGHING LIVE STOCK, HAY AND GRAIN

17. The standard gross ton by which hay shall be weighed shall consist of two thousand two hundred and forty (2,240) pounds. The standard net ton by which hay shall be weighed shall consist of two thousand (2,000) pounds.

18. If any person or persons, corporation or corporations owning or keeping or having charge of any scales or steelyards for the purpose of weighing live stock, hay or grain shall knowingly and wilfully report any false or untrue weight whereby any other person or persons, corporation or corporations may be defrauded, deceived or injured, such person or persons, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court, and also be answerable to the party defrauded in double damages, to be collected in an action of debt before any court having competent jurisdiction.

19. Whenever the person or persons, corporation or corporations keeping such scales or steelyards shall weigh any of the aforesaid articles for hire or reward, he or they shall, on demand of the party interested, report the weight of such article or articles, in writing, to the owner thereof, and shall keep a record of the same in a suitable book to be kept for that purpose.

#### THE STANDARD PEACH BASKET.

20. The standard size of peach baskets shall be sixteen (16) quarts Winchester half-bushel measure. The height of the basket shall be twelve and one-quarter ( $12\frac{1}{4}$ ) inches, the width across the top shall be thirteen and one-half ( $13\frac{1}{2}$ ) inches; that the inside measurement shall contain one thousand and seventy-five and ten one-hundredths (1075  $\frac{10}{100}$ ) cubic inches. Each basket shall be marked "Standard N. J." upon the staves just below the rim in Roman letters, which marking shall be burned on or printed thereon with permanent red paint in a straight line. Each of them shall not be less than one inch (1) in length, and not less than one-half ( $\frac{1}{2}$ ) inch in width. All person or persons, corporation or corporations who shall manufacture for sale, or who shall offer or expose for sale any basket to be used for shipping or selling peaches, not standard, shall distinctly and durably stamp, brand or mark upon such basket upon the stave just below the rim the number of quarts such basket contains.

21. All person or persons, corporation or corporations who shall manufacture, sell or offer or expose for sale, or have in his, her or their possession with intent to sell, or to use any peach basket or baskets not stamped, branded or marked as required thereby, shall, for every such offence, forfeit and pay a fine of not less than twenty-five dollars and not more than fifty dollars, to be recovered, with costs, in any of the courts of this State having cognizance thereof, in any action to be prosecuted by any prosecutor of the pleas in the name of the State. The one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

## THE STANDARD FOR CRANBERRIES.

22. The standard measure for a barrel of cranberries shall be one hundred quarts. Barrels to be used for buying or selling cranberries in this State, or for transporting the same outside of this State shall be of the following size, to wit: head, sixteen (16) inches diameter; staves, twenty-eight and one-half ( $28\frac{1}{2}$ ) inches long; bilge, fifty-eight and five-eighths ( $58\frac{5}{8}$ ) inches, outside circumference. Such barrels shall be branded or stenciled in a durable manner "standard."

23. The using of barrels of less capacity or dimensions than those described in the preceding section, or which shall not be branded or stenciled in a durable manner "standard," shall be deemed a penal offense. The person or persons so offending shall, on conviction thereof, be subject to a fine of three dollars for each barrel so made or used in violation of this act, together with the costs of proceedings.

24. The standard measure for a bushel of cranberries shall be thirty-two (32) quarts, rounded measure; that crates (or boxes) to be used for buying or selling cranberries in this State or for transporting the same outside of this State, shall be of the following size, to wit: twenty-two (22) inches in length, twelve (12) inches in depth and seven and one-half ( $7\frac{1}{2}$ ) inches in width, inside clear measure. When barrels are used for the same purpose, they shall be made to contain not less than three times the quantity of the crate (or box).

25. The making or using of crates (or boxes) of less dimensions or barrels of less capacity than those described in the preceding section for purposes named, shall be deemed a penal offense, and the person or persons so offending shall, on conviction thereof, be subject to a fine of two dollars for each package so made or used in violation of this act, together with the costs of proceedings.

26. The fines and penalties imposed by sections twenty-three and twenty-five shall be recoverable in an action of debt before any court of the State having jurisdiction, by and for the benefit of the person prosecuting.

27. It shall be lawful for the Common Council or other governing body of any city, town, village, township or other municipal corporation of this State to appoint a sealer of weights and measures and such deputy or deputies as may be deemed necessary.

28. It shall be the duty of the sealer to faithfully devote his time to the performance of the duties of his office, and to test all weights, measures, scales, beams and steel-yards, used in trade, or other machinery used for weighing or measuring within his jurisdiction at least once in every year. He shall also test all scales, balances, computing scales and other devices having a device for indicating or registering the value as well as the weight of the commodity offered for sale. All such computing devices shall be tested as to the correctness of both weights and values indicated by them. Upon being notified in writing by any person that any weight, measure, scale, beam and steel-yard, used in trade, or other machinery for weighing or measuring any article intended to be purchased or sold, is inaccurate, or believed to be so, or not according to the standard, the said sealer of weights and measures shall at once make an examination of the same. In the exercise of such duties he shall have full police power to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any sales or transfer of articles of merchandise taking place within his jurisdiction.

29. The said Common Council or other governing body shall have power to regulate by ordinance,

(a) The tenure of office, salary, or other compensation, bond and sufficiency of surety of the sealer of weights and measures and of his deputy or deputies.

(b) The proper sealing and marking of all weights and measures and periods of inspection thereof, including computing scales and other devices or indicating or registering the value as well as the weight of the commodity offered for sale.

(c) The supplying of appliances necessary to make examinations.

(d) The manner in which all records of the office of sealer of weights and measures shall be kept.

(e) The methods necessary to secure adjustment of weights and measures.

(f) The exhibiting of all weights and measures when required.

(g) The standard by which fruits, vegetables or nuts shall be sold from cups, cans or other receptacles.

(h) The method by which wagon or cart loads of goods wares, merchandise, or other commodities shall be sold.

(i) The fixing and collecting of penalties for violations of the terms of such ordinance.

30. Sundry acts repealed.

31. Nothing in this act shall be construed to abrogate or impair the power of the common council or other governing body of any city, town, village, township or other municipal corporation of this state or of the courts to enforce any provision now existing or hereafter adopted in a city charter or an ordinance or regulation, not inconsistent with this act, or to prevent or punish violations thereof.

**ACTS APPROVED IN THE YEAR 1909.**

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**CONDEMNATION.**

An Act amending Section 9 of an act approved March 20, 1900.  
Approved April 17, 1909. P. L., p. 225.

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**DOCKS.**

An Act authorizing the creation of harbor boards in cities accessible to commerce by water and prescribing their powers and duties. Approved April 14, 1909. P. L., p. 145.

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**EXCISE.**

An Act for the prevention of drunkenness. Approved April 20, 1909. P. L., p. 306.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In every municipality of this State, the governing body thereof may appoint three reputable citizens, resident in said municipality, to be known as a board of protectors, which board shall have the power and authority hereinafter set forth.

2. Said board shall serve without compensation, except that their reasonable expenses incurred in serving notices hereinafter prescribed, printing and stationery, shall be paid by said municipality as other bills are paid.

3. Said board shall investigate the causes of drunkenness in the municipality for which they are appointed, and whenever it satisfactorily appears to said board that any person residing in, or who frequents said municipality, is an habitual drunkard or is likely to become a drunkard by the use of intoxicating liquors, such board shall, by notice in writing mailed to every person licensed to sell intoxicating liquors in said municipality, direct all persons, so as aforesaid licensed to sell intoxicating liquors in said municipality, to desist from either selling or giving intoxicating liquors to any such person so determined to be an habitual drunkard or likely to become a drunkard. Any person who knowingly shall sell or give any intoxicating liquor to any person, so as aforesaid determined to be an habitual drunkard or like to become a drunkard, after notice to desist from the sale or gift of intoxicating liquors to any such person, as aforesaid, either directly or through a third person, shall, for the first offence, be liable to a penalty of fifty dollars, to be recovered in an action of debt by said board of protectors; and for a second offence shall be liable to a penalty of one hundred dollars, to be recovered in like manner; and for a third offence, shall be liable to a penalty of two hundred dollars, to be recovered in like manner; and upon a third violation said board of protectors shall report said fact to the board, person, body or court having the right to grant license for the sale of intoxicating liquor in said municipality, whereupon said board, person, body or court having the right to grant such license, may revoke the license of the person so selling or giving intoxicating liquor in violation of the provisions of this act, perpetually or for a stated period of time. No action for a penalty, however, shall be instituted against any person for the sale or gift of intoxicating liquor in violation of the provisions of this act, unless the person so violating shall first be given an opportunity to appear before said board of protectors at a time and place to be fixed by said board, notice whereof shall be given in writing to said person, either personally or left at his dwelling house, place of abode or place of business, at least five days before the date of said hearing.

4. It shall also be the duty of said board of protectors to give notice in writing to any person whom said board shall determine to be an habitual drunkard or likely to become a drunkard, by reason of the use of intoxicating



liquors, to cease the purchase of liquor within said municipality, and if any such person shall thereafter purchase any intoxicating liquors in said municipality such person shall be deemed a disorderly person and punishable as such.

5. Said board of protectors shall hold a stated meeting at least once in each and every month, and shall give notice in one of the newspapers printed and published in said municipality, or, if there be no newspaper published in said municipality, in a newspaper circulating therein, for one insertion, at least one week before the board shall hold its first stated meeting, of the time and place fixed for the holding of such stated meetings, at any of which meetings all persons shall be entitled to be heard respecting any matters coming within the purview of this act.

6. The words "intoxicating liquor" wherever used in this act, shall be construed to mean and include vinous, spirituous, malt or brewed liquors of any kind or character, and the word "person" shall be taken to mean and include a corporation or partnership.

7. This act shall take effect immediately.

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## POLICE.

**An Act amending section 1 of act of April 8, 1908. Approved April 20, 1909.** P. L. p. 296.

**An Act providing for the sale of unclaimed goods and chattels and for the disposition of unclaimed money by police departments of this state. Approved April 20, 1909.** P. L., p. 312.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. All goods and chattels which shall come into the possession of the police department of any municipality of this state by finding, or by being recovered as the result of theft or robbery, and which is, or shall be in the

possession of the police department for one year, and when the owner or owners are unknown, cannot be found, or refuse to receive said goods or chattels, may, in whole or in part, be exposed for sale by the board of police commissioners or other body having control of the police department, at public auction in some public place between the hours of ten o'clock in the forenoon and four o'clock in the afternoon upon a notice of said sale being first published for the space of five days in some newspaper circulating in the municipality in which such goods and chattels are held, and the proceeds of such sale, after deducting the expenses of said sale, shall be paid into the treasury of the municipality, to be disbursed as other funds of the municipality are disbursed.

2. All money which shall come into the possession of the police department of any municipality of this state from prisoners or by finding, or by being recovered as the result of theft or robbery, and which is, or shall be in the possession of the police department for one year, the owner or owners of which are unknown, cannot be found, or refuse to receive said money, said money shall be paid into the treasury of the municipality, to be disbursed as other funds of the municipality are disbursed.

3. This act shall go into effect immediately.

**An Act relating to the appointment of special police officers in cities in this state. Approved April 21, 1909.**

P. L., p. 415.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In all cities of this state having the power to appoint special police officers, the board or body having charge of the police department therein may appoint special police officers for a term not exceeding one year; and all the powers, duties and rights of such officers shall immediately cease and determine upon the expiration of the term for which they are severally appointed.

2. The board or body having charge of the police department of any city are hereby authorized to issue to

each officer so appointed a special officer badge, and to charge and receive from the person receiving the same such sum as shall be fixed by resolution of such board or body. Such badge shall be issued for a term not exceeding one year, and shall be returned to the board or body issuing the same immediately upon the expiration of the term of the officer receiving the same. The board or body issuing such badge may, in the resolution fixing the sum to be paid for the same, provide for the return to the officer receiving the same of such sum as to it shall seem proper, upon the return and surrender of the badge to the proper police authority.

3. The board or body issuing badges and appointing special officers under the provisions of this act, may retain out of the moneys received from the issue of such badges, such sum as in its judgment will be sufficient to provide for the refunding of the sum to be returned upon the surrender of badges as hereinbefore provided; and all moneys received from the issue of such special officer badges after providing for such sums so to be refunded, shall be paid to the police pension fund of the city, if any there be, and if there be no pension fund in such city, then to the treasury of the city for the support of the police department thereof.

4. Special police officers shall not be members of the police department of the city in which they are appointed, and the board or body having control of the police department of any city, may, at any time, and without notice or opportunity to be heard, in its discretion, revoke any appointment of a special police officer and demand the return of the badge issued to him, and the term of such officer, and all his powers, duties and rights under such appointment shall, thereupon, immediately cease and determine.

5. Any person appointed a special police officer who shall refuse or neglect to return the badge received by him immediately upon the termination of the term for which he is appointed, or who shall act or attempt to act as a special police officer, or who shall show or wear a special police officer badge after the termination of the term for which he is appointed shall be guilty of a misdemeanor.

6. This act shall take effect immediately.

**PUBLIC PLAYGROUNDS.**

An Act amending the title and sections 2, 3, 4, 5 and 6 of act of May 7, 1907. Approved April 7, 1908. P. L., p. 163.

Supplement to act of May 7, 1907. Approved April 7, 1909. P. L., p. 76.

An Act amending section 1 of act of May 7, 1907. Approved April 7, 1909. P. L., p. 83.

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**PUBLICATIONS.**

An Act to regulate the price to be paid for official advertising. Approved April 8, 1909. P. L. p. 92.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Hereafter the price to be paid for publishing all official advertising in the newspapers, published in cities of the first and second class, or in counties of the first or second class in this state, shall be at the rate of ten cents per agate (or  $5\frac{1}{2}$  point) line for the first insertion, and eight cents per agate line for each subsequent insertion; provided, that in computing such charge per line, the lines shall average at least seven words.

2. Hereafter the price to be paid for publishing official advertisements in any newspaper, except newspapers published in cities of the first or second class, or in counties of the first or second class, shall be at the rate of five cents per nonpareil (or 6 point) line for each insertion; provided, that in computing such charge per line, the lines shall average at least seven words.

3. In reckoning line charges allowances shall be made for date lines, paragraph endings, titles, signature, and similar short lines as full lines where the same are set to conform to the usual rules of composition.

4. The terms "official advertising" and "official ad-

vertisements," as used in this act, shall be construed to include all matters required by law to be published.

5. All acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

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### **SALARIES.**

An Act relative to the salaries and compensation of members of the common council or other governing body in cities of the second class. Approved April 19, 1909. P. L., p. 264.

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### **SCHOOLS.**

Amendments and supplements to Act of October 19, 1903:

An Act amending section 91. Approved March 16, 1909.  
P. L., p. 24.

Supplement approved April 13, 1909. P. L., p. 121.

An Act amending section 229. Approved April 13, 1909.  
P. L., p. 126.

An Act amending section 153. Approved April 17, 1909.  
P. L., p. 217.

An Act amending section 87. Approved April 19, 1909.  
P. L., p. 259.

An Act amending section 84. Approved April 19, 1909.  
P. L., p. 267.

Supplement approved April 21, 1909. P. L., p. 398.

**SEWERS.**

**An Act to empower municipalities to establish and maintain plants for the treatment, disposal or rendering of sewage. Approved April 14, 1909.** P. L., p. 138.

**An Act to amend the title of the act of March 8, 1882. Approved April 20, 1909.** P. L., p. 315.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. The title to the act of which this act is amendatory is hereby amended so as to read as follows :

“An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof, and for the assessment of the benefits of such construction upon the land and real estate benefited thereby.”

2. This act shall take effect immediately.

**Supplement to act of March 8, 1882. Approved April 21, 1909.** P. L., p. 462.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. The words “owners of property interested” in the first subdivision of the second section of the act to which this is a supplement, shall hereafter be held to include any and all owners of land in the vicinity in which a sewer or drain is petitioned for, whether or not the land of the petitioners fronts or abuts any street, avenue, highway or private land on which the construction of the sewer or drain is petitioned for; provided, that where the lands of the petitioners do not front or abut on any street, avenue, highway or private land on which the construction of the sewer or drain is petitioned for, in such cases the petition shall have annexed thereto a certificate of the board of public health of the city in which it is proposed to construct such sewer or drain, setting forth that a resolution has been adopted by said board of health, that it is the opinion of said board that the construction

of said proposed sewer or drain is necessary to preserve the public health.

2. This act shall take effect immediately.

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### **SIDEWALKS.**

**An Act relating to paving, flagging, maintaining, repairing and otherwise improving sidewalks in cities in this state. Approved April 13, 1909.**

P. L., p. 124.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The board or body having the control and regulation of streets, avenues, highways and sidewalks in any city of this state shall be authorized and empowered to pass, amend and repeal ordinances to require the sidewalks of such streets, avenues and highways to be paved or flagged, maintained, repaired or otherwise improved by the owner or owners of premises fronting or abutting thereon, or by the agent or other person in general control of buildings fronting or abutting thereon, and to prescribe reasonable penalties for the violation of any provision of any such ordinance, not to exceed two dollars for each offense.

2. It may be provided in any such ordinance that the neglect or refusal to obey any provision thereof may be construed to be a distinct and separate offense for each day the same shall be continued.

3. This act shall take effect immediately.

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### **STREETS.**

**An Act to amend the title of the act of June 13, 1898. Approved April 16, 1909.**

P. L., p. 203.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The title to the act of which this act is amendatory is hereby amended so as to read as follows:

“An act to authorize the improvement of streets and highways in cities of this State, and to provide for the payment of the expense of the same, and for the assessment of the benefits of such improvement upon the land and real estate benefited thereby.”

2. This act shall take effect immediately.

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## TAXES.

Amendments and Supplements to Revision of 1903. Approved April 8, 1903.

An Act amending section 47. Approved April 7, 1909.

P. L., p. 78.

An Act amending section 41. Approved April 7, 1909.

P. L., p. 80.

Supplement approved April 17, 1909.

P. L., p. 247.

An Act amending section 57. Approved April 21, 1909.

P. L., p. 395.

Supplement to “Martin Act.” Approved April 12, 1909.

P. L., p. 107.



## CHARTER OF THE CAMDEN HORSE RAILROAD COMPANY.

An Act to incorporate the Camden Horse Railroad Company.  
Approved March 23, 1866.

P. L., p. 640.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That Albert W. Markley, John Hood, Jesse Smith, Abraham W. Nash, Andrew B. Frazee, James M. Seovel, Isaac Nicholson, William S. Scull, William Brice, John S. Read, Henry Fredericks, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate in fact and in law by the name of "The Camden Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation.

2. And be it enacted, That the amount of the capital stock of the said corporation shall be fifty thousand dollars, with the privilege to increase the same to one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

3. And be it enacted, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, in the city of Camden, as they or a majority of them think proper, giving at least twenty days' notice of the same in one or more of the newspapers published in the city of Camden, and at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners. or some one of them, and as soon as twenty thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person

or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

4. And be it enacted, That in case it shall happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time in the manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

5. And be it enacted, That three directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and in case of the non-payment of such installments or any of them to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to

them, and also to the president, as to the board shall appear proper.

6. And be it enacted, That the said corporation shall have power and authority to construct a railroad, with the necessary turnouts from the steamboat dock of the Camden and Philadelphia Ferry Company along Federal street to Fifth street, thence along Fifth street to West street, thence along West street to Stevens street, thence along Stevens street to Fifth street, thence along Fifth street to the Brace road, thence along the Brace road to Kaighn's Point avenue, thence along Kaighn's Point avenue to Third street, thence along Third street to Line street, thence along Line street to Third street, thence along Third street to State street, thence along State street to Fifth street, thence along Fifth street to Federal street; and said company are hereby empowered to build, use and maintain the whole or any portion of said road as shall be deemed expedient by said corporation.

7. And be it enacted, That the track laid by the said company shall be the same width as the wagon track now established by law, and said track and rails shall in all cases be laid level with the surface or face of the streets through which the same may pass, and in conformity with the grades of said streets, as the same now are or hereafter may be established by the city council; and when required by the city council, shall pay such tax per ear to the city as shall be directed, not exceeding one dollar per month for each ear.

8. And be it enacted, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any other place or places in the city of Camden, not exceeding five acres at each place, or ten acres in the aggregate, and may erect and build thereon houses, warehouses, stables and machine shops, and such other buildings and improvements as may be necessary for the carrying on the objects of their incorporation.

9. And be it enacted, That the president and directors of said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

10. And be it enacted, That the president and directors of said corporation shall have power to have constructed, or purchase with the funds of said corporation, all such machinery, horses, cars, wagons, carriages, or other vehicles for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable and expedient or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon as they may think reasonable and proper; provided, that not more than ten cents shall be demanded or received for conveying any person from one point to another on said road.

11. And be it enacted, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct the use of said railroad, or any of its works, carriages, animals or machines, such person or persons shall forfeit and pay therefor to said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

12. And be it enacted, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

13. And be it enacted, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

14. And be it enacted, That this act shall take effect immediately.

A Supplement to the act entitled, "An Act to incorporate the Camden Horse Railroad Company," approved March twenty-third, eighteen hundred and sixty-six. Approved April 2, 1868.

P. L., p. 638.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the Camden Horse Railroad Company be and they are hereby empowered to build, maintain and use a railroad on Delaware, Market and such other streets in the city of Camden as may be deemed necessary for the business of said company.

2. And be it enacted, That this act shall take effect immediately.

A Further Supplement to an act entitled "An Act to incorporate the Camden Horse Railroad Company," approved March twenty-third, one thousand eight hundred and sixty-six. Passed March 11, 1872.

P. L., p. 512.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the Camden Horse Railroad Company be, and they are hereby authorized and empowered to build, maintain, and use a railroad or railroads on any public road or highway in the city of Camden, or any public road or highway extending from said city into the county of Camden.

2. And be it enacted, That this act shall take effect immediately.

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An Act concerning paid fire departments in certain municipalities of this state, and for the relief of members thereof, their widows, dependent parents and children. Approved March 28, 1905.

P. L. p. 114.

Be it enacted by the Senate and General Assembly of the State of New Jersey.

1. In all municipalities of this state, other than cities of the first class, which now have or which shall hereafter have, a paid fire department, it shall be lawful for the members of such department to associate

themselves together, as a body corporate, for the purpose of providing and maintaining a fund to pension firemen, their widows, dependent parents and children.

2. For the purpose of forming such a corporation the chief engineer of such fire department shall notify each company in the department to choose not more than three delegates to attend a meeting to be held not less than five days after the giving of such notice, to consider the formation of a corporation in accordance with this act; said notice shall be in writing, and shall specify the time and place of the meeting of the delegates; if two-thirds of the delegates present at such meeting shall vote in favor of forming such a corporation, they shall adopt a resolution to that effect, and shall choose a name for the corporation, and they shall send a copy of such resolution to the board of fire commissioners or other municipal board having charge and control of such paid fire department, and shall recommend to such board or body four members of such fire department as trustees; the first trustees created under this act shall prepare and sign a certificate reciting the adoption of the resolution by the delegates, as hereinbefore directed, the name adopted, the appointment of trustees, the organization and the names of officers, and execution of the certificate for the purpose of forming a corporation under this act, for the purposes herein set forth, which certificate shall be recorded in the office of the clerk of the county wherein such corporation shall be organized, and shall then be filed in the office of the commissioner of banking and insurance at Trenton, and thereupon such trustees, their associates and successors shall be and become a body politic and corporate in law with all the powers incident thereto.

3. Such pension fund shall be under the control and management of the board of five trustees, to be composed of the chief engineer of such fire department, ex-officio, and four members thereof, appointed by the board of fire commissioners or other municipal board having control of such fire department; the first board of trustees selected as in section two of this act shall serve until the month of January following the incorporation of such association, at which time a board of trustees shall be appointed as heretofore provided in this section, one for a term of one year, one

for a term of two years, one for a term of three years, and one for a term of four, who shall serve for the respective terms for which they each were chosen, and thereafter annually, in the month of January of each year, a member of said board of trustees shall be chosen for a full term of four years to serve in the place and stead of the trustees whose term shall have then expired, so that the term of office of but one member shall expire in each year.

4. Such trustees and all other officers of the said corporation shall give bonds with some duly authorized security company as surety thereon for the faithful performance of their duties as shall be fixed by the by-laws of the corporation.

5. The said board of trustees shall at the first annual meeting elect a chairman, secretary and treasurer, the secretary may be one of their own members or the clerk of the board of fire commissioners or other municipal board having control of such fire department of the board of trustees shall fix the compensation of the secretary and treasurer, the chairman shall serve without compensation.

6. All moneys paid out of such pension fund shall be paid by the treasurer, upon warrants signed by the chairman of the board of trustees and countersigned by the secretary thereof; and no warrant shall be drawn except by the order of said board upon a ye and nay vote recorded in the minutes of said board; such board of trustees may deposit such fund in any of the banks or trust companies of such municipalities, and may invest the same in bonds secured by first mortgages on improved property worth at least twice the amount loaned, or in bonds of the United States, or of this state, or any city or county in this state; all income, interest or dividend which shall be paid or agreed to be paid on account of any loan or deposit shall belong to and constitute a part of said fund.

7. The board of trustees shall make a semi-annual report of the condition of such fund and the manner in which the same is invested, to the board of fire commissioners or other municipal board having control of such fire department, in the months of January and July in each year, and at such other times as they may be requested to do so by the board of fire commis-

sioners or other municipal board having control of such fire department.

8. The corporation attorney and counsel of such municipality shall, without additional compensation and under the direction of such board of trustees, prosecute all actions or proceedings at law or in equity which said board may wish to institute for the enforcement of the several provisions of this act, and shall defend, on behalf of said board, any action or proceeding which may be brought against it.

9. All pensions granted under this act shall be exempt from execution, attachment or any other legal process whatever.

10. Such pension fund shall be provided and sustained as follows:

I. By one-half of the two per centum of the premiums for insurance effected in such municipalities by foreign insurance companies, which is now, by law, required to be paid to local firemen's relief associations in such municipalities; and upon and after the creation of a pension fund, under and by virtue of this act, it shall be lawful for agents and brokers of such foreign insurance companies to and they shall pay said one per centum of the premiums received by them for insurance on property in such municipalities to the treasurer of the corporations herein authorized; and when it is so paid and taken for the uses of such pension fund it shall be taken and accepted in lien and bar of any and all claims for relief which any member of said pension fund or his widow or children might have or may have had upon the local relief fund from thenceforth where and while there are other beneficiaries upon such local relief fund entitled to relief therefrom, except cases where such paid firemen may thereafter be injured or contract serious illness while doing actual fire duty, or any special or extra duty, upon which he may be detailed;

II. By all fines, penalties and forfeitures assessed upon and collected from any officer or member of such fire department:

III. By all rewards, fees, gifts or emoluments paid or given for extraordinary services rendered by any officer or member of said fire department, except when



the same is allowed by the board of fire commissioners or other municipal board having charge and control of the said department to be retained by such officer or member, or when the same is especially given to endow a medal or other competitive reward;

IV. By all appropriations, donations, devises and bequests that may be made or given to such pension fund by any such municipality or other corporation or person;

V. By all fees received for permits issued by such board of fire commissioners or municipal board, and the moneys obtained by the sale of old materials and property of such paid fire department other than real estate;

VI. By all fines that may be imposed upon persons whose chimneys are negligently set on fire.

VII. By such license fee as is now or shall hereafter be imposed upon and collected by the municipality from the owners or lessees of theatres in such municipality for each performance therein, which shall be paid to the treasurer of such corporation for the benefit of such fund;

VIII. By all taxes on the sale or storage of explosives as now or hereafter to be provided by the law of this state;

IX. If the amount of any such pension fund shall at any time be less than twenty thousand dollars, the board of trustees of any such corporation may assess and collect from each and every member of such department a sum not exceeding one per centum of his salary, said sum shall be paid by each and every member monthly to the treasurer of such corporation, and such assessment and collection shall be made in manner and form as may be provided in the by-laws of the corporations; and it shall be lawful for any municipality in this state to pay to the board of trustees of any such corporation an amount equal to the one per centum of the salary of each and every member of such department whenever such municipality, through its common council or other governing body, may appropriate a sufficient amount for such purpose.

11. Pensions shall be paid from such fund in the following manner:

I. In all municipalities of this state in which this act shall become operative, all members of such departments who shall have honorably served therein twenty years, and who shall have reached the age of sixty years shall upon application of the board having charge of the fire department in such municipality, be retired by such board, and shall thereupon receive from such pension fund an amount annually, equal to one-half of the salary received by such member at the time of his retirement;

II. If any officer or man permanently employed in such department whose duty requires active service in the extinguishment of fires shall have become or shall hereafter become incapacitated, either mentally or physically, for the performance of such duty, whenever such incapacity is or shall be the result of injury received or sickness contracted while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty upon which such officer or man may be detailed, he shall be retired by such board of fire commissioners or other municipal board having charge of such fire department, and shall thereupon be entitled to receive, and shall receive, from such pension fund an amount equal to one-half of his salary received by him at the time of his retirement; in all applications made under this paragraph the officer or member applying for retirement shall furnish to the board of fire commissioners, or other municipal board having charge of such fire department, a certificate signed by at least three practicing physicians of the municipality in which said fire department is located, stating that, in their opinion, he is incapacitated, either mentally or physically, for the performance of his duty in such department, and which certificate shall further state how such incapacitation was brought about, and said certificate, when signed as above, and containing the information above required, shall be conclusive proof to the said board of the incapacitation of such applicant;

III. If any officer or man permanently employed in any fire department in any said municipality shall be

fatally injured while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty, upon which such officer or man may be detailed, or shall die as a direct result of sickness or illness contracted or incurred either in the performance or attempted performance of any such duty, the widow, if any there be, or if there be no widow, then the child or children of such deceased officer or man shall receive from such fund an annual pension equal to one-half of the salary received by such officer or man at the time of his death to be paid in equal monthly installments to such widow during her widowhood; if such officer or man should not leave a widow, but shall leave a child or children, such pension shall be applied, under the direction of the board of trustees of said corporation, to the support of such child or children until they shall have attained the age of sixteen years; if such officer or man shall not leave a widow or any children him then surviving, but shall leave a dependent parent or parents, to whom the said officer or man was the only support, such parent or parents shall receive from such fund an annual pension equal to one-half of the salary received by such officer or man at the time of his death, to be paid in equal monthly installments to such dependent parent or parents so long as they, or either of them, shall remain dependent;

IV When any officer or man in such department shall die, after having been retired and pensioned, as aforesaid, the widow, if any there be, or if there be no widow, then the child or children of such deceased officer or man shall receive from such fund an annual pension equal to the pension received by such officer or man at the time of his death, to be paid in equal monthly installments to such widow until their youngest child shall reach the age of sixteen years, after which time she shall receive an annual pension equal to one-half the pension received by her husband at the time of his death to be paid in equal monthly installments to such widow during her widowhood; if such officer or man shall not leave a widow, but shall leave a child or children, such pension shall be applied, under the direction of the board of trustees of such

corporation, to the support of such child or children until they shall have attained the age of sixteen years; if such officer or man shall not leave a widow or any children him then surviving, but shall leave a dependent parent or parents, to whom the said officer or man was the only support, such parent or parents shall receive from such fund an annual pension equal to one-half of the pension received by such officer or man at the time of his death, to be paid in equal monthly installments to such dependent parent or parents so long as they, or either of them, shall remain dependent.

12. In any municipality of this state, other than cities of the first class, having a paid fire department, and where the said paid department has the sole control of the two per centum on the premiums received for insurance effected in such municipalities by foreign insurance companies, and which is now by law required to be paid to local firemen's relief associations in such municipalities, and where local firemen's relief associations are under the sole control of the members of said paid fire department: it shall be lawful in any of said municipalities to pension such members of the fire departments of said municipalities as are entitled to pensions under this law direct from the funds of the local firemen's relief association in any of the said municipalities: provided, however, that there are sufficient funds under the control of said association to properly care for the widows and orphans that are dependent upon the said association and are entitled to relief therefrom under the laws now governing firemen's relief associations.

13. Any person who shall willfully or knowingly swear falsely in any oath or affirmation for the purpose of obtaining or procuring any pension or the payment thereof, under the provisions of this act, shall be deemed guilty of perjury, and upon conviction thereof, shall be punished by law for such crime.

14. Any member of the fire department of any municipality in this state who shall unlawfully retain any of the funds properties, moneys or effects of any corporation organized under this act shall forever be

debarred from receiving any relief from the funds of the corporation which he has thus defrauded.

15. All acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

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An Act to establish a State Water-Supply Commission, and to define its powers and duties, and the conditions under which waters of this State may be diverted. Approved June 17, 1907.

P. L., p. 633.

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A Supplement to an act entitled "An act to establish a State Water-Supply Commission and to define its powers and duties, and the conditions under which the waters of this State may be diverted," approved June seventeenth, one thousand nine hundred and seven. Approved April 12, 1910.

P. L., p. 551.

**ACTS APPROVED IN THE YEAR 1910.**

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**ASHES AND GARBAGE.**

An Act to enable any city of this State to lease or acquire lands and to erect buildings thereon for the collection of ashes and refuse, and to contract with street railway companies for the transportation of such ashes and refuse over their railroad lines within such city. Approved April 8th, 1910.

P. L., p. 221.

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**BONDS—SCHOOL.**

An Act to authorize cities to issue bonds to fund their floating indebtedness incurred for the maintenance and support of public schools. Approved April 12, 1910.

P. L. p. 529.

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**DOCKS.**

An Act to amend an act entitled "An act to authorize the construction and establishment of public docks and the shipping facilities connected therewith, and the purchasing and acquiring of riparian lands and rights and other lands and rights in lands necessary therefor or incident thereto, and for the regulation of the same in cities fronting on navigable waters of this State," approved October twenty-first, one thousand nine hundred and seven.. Approved March 24, 1910.

P. L., p. 65.

An Act to provide for the creation of a department of wharves, docks and ferries, and the improvement, extension, alteration, maintenance, use, regulation and supervision of wharves, piers, bulkheads, docks, slips, basins, ferries, harbors and harbor structures, in cities of this State, other than cities of the first class; and providing for the making and enforcement of rules and regulations in relation thereto, and fixing penalties for the violation thereof. Approved April 12, 1910.

P. L., p. 509.

Whereas, The growing commerce of the Commonwealth of New Jersey and the substantial improvements being made by the government of the United States in the channel-ways of the rivers and harbors of said Commonwealth make it desirable to enlarge and extend the powers given cities of this State for the control and development of wharves, docks, ferries and harbors therein; therefore

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. It shall be lawful in any city other than cities of the first class of this State for the common council, or other governing body thereof, to pass an ordinance or ordinances, and to alter, amend or repeal the same from time to time, providing for the creation of a department of wharves, docks and ferries, and the improvement, extension, alteration, maintenance, use, regulation and supervision of wharves, piers, bulkheads, docks, slips, basins, ferries, harbors and harbor structures. Said ordinance may provide for the regulation, control and management of any such department through a committee on wharves, docks and ferries, to be appointed in any such city as the other committees of such common council or other governing body are appointed; and such ordinances may provide for the appointment by the mayor of said city of a director of wharves, docks and ferries, fixing his salary, term of office and duties.

2. The department of wharves, docks and ferries created in any city of this State under this act shall have exclusive control and regulation of all wharves, piers, bulkheads, docks, slips, basins, ferries, harbors and harbor structures in such city, and shall also have exclusive control and supervision of the building, rebuilding, repairing, maintenance, extending, alteration and use thereof, and the cleaning, dredging and deepening necessary in and about the same. Such department shall also have power to make surveys and soundings and to prepare plans therefrom and to keep records thereof, and to regulate, fix and establish bulkhead and pierhead lines and the distance between piers, subject to the regulation of the United States government, and also subject to the regulations and riparian lines fixed

by the Riparian Commissioners of the State of New Jersey. The said department shall also have power to adopt and promulgate rules and regulations for the construction, extension, alteration, improvement, repair and use of all wharves, piers, bulkheads, docks, slips, basins, ferries, harbors, and harbor structures, within the limits of said city, and to provide for the issuance of licenses and permits in relation thereto upon the payment of certain fees to be fixed, from time to time, by such department. It shall be the duty of such department, through the director of wharves, docks and ferries, or otherwise, as shall be thought best by said department, to take the necessary action to enforce the laws of the State of New Jersey and the ordinances of any such city, and the rules and regulations promulgated by the said department thereunder, relating to wharves, piers, bulkheads, docks, slips, basins, ferries, harbors and harbor structures; and from time to time the said department shall make such recommendations to the common council or other governing body of any such city as to it shall seem proper for the improvement and development of the water-front and harbor facilities of any such city.

3. If any person or persons shall refuse or neglect to comply with the directions of the department herein provided for, in matters within the jurisdiction of such department, or shall knowingly fail to comply with the rules and regulations thereof, duly made, published and established as aforesaid, or if any person or persons whosoever shall obstruct or prevent the said director, or any other officer or employe of said department, in the execution of his duties, such person or persons aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay, for each and every offense, a fine not exceeding three hundred dollars.

4. Such department shall have charge, control and supervision of all the wharf, pier and dock property belonging to any such city, including wharves, piers, bulkheads, docks, slips, basins, structures thereon and approaches thereto, with the appurtenances, easements, uses, reversions and rights belonging thereto, which are now or may hereafter be owned or possessed by any such city; and of the repairing, building, rebuilding, maintaining, altering and protecting the same, and of the clean-



ing, dredging and deepening in and around and about the same.

5. Such department shall have power and authority, after an appropriation has been made by the common council, or other governing body of any such city, of the money required therefor to acquire by purchase, in the name of and for the benefit of any such city, such unimproved marsh land or other land within any such city as may be thought advisable and for the best interests of said city; and, after the appropriation of the money required therefor, by the common council or other governing body thereof, to reclaim, fill in and improve any such land or lands, and to construct thereon wharves, piers, docks, slips, basins, and other similar structures, and to lease or rent the same from time to time, and the income or money obtained from any such lease shall be paid to the treasurer of said city. Such department shall also have power and authority, after the appropriation of the money required therefor by the common council or other governing body of such city, to acquire by purchase or condemnation, in the name of and for the benefit of any such city, any land, wharf, pier, bulkhead, dock, slip, basin or other similar structure, and also all lands, property rights, easements and privileges within the limits of such city as may, in the opinion of said department, be required for the purposes of commerce and navigation.

6. Whenever any person or persons, corporation or corporations, shall desire to construct, extend or alter any wharf, or other building in the nature of a wharf, or to erect, extend, alter or improve any other harbor structure, within the limits of any such city, such person or persons, corporation or corporations, shall make application to the said department, stating in writing the nature and extent of such intended wharf, other building aforesaid, or harbor structure, improvement, alteration or addition thereto, and file in the office of the said department plans and specifications showing fully the proposed erection, construction, extension, alteration or improvement, and produce their deed or deeds, or other evidences of title to the property to be so occupied, altered or improved; whereupon the department shall give notice of the time and place of hearing such application, to all parties interested, by advertising at least once a week for two suc-

cessive weeks in two newspapers of general circulation published within the city within which such application is made, and by posting such notice upon the premises referred to in such application; and if the department, upon said hearing, shall approve the plans and specifications offered and such application, it shall give its assent and issue a license for the erection, construction, extension, alteration or improvement for which application shall have been made, and cause the same to be recorded in the office of the said department, in a book to be kept by it for that purpose, and such license shall not be unreasonably withheld.

7. If any person or persons, corporation or corporations, shall construct, alter or improve any wharf or building or harbor structure as aforesaid, within the limits of any such city, beyond low-water mark, without license or an order of court, as hereinafter provided, first having been obtained, such wharf or building or harbor structure shall be deemed a public or common nuisance, and such person or persons shall be guilty of maintaining a nuisance, and, upon conviction, shall be sentenced to pay a fine of five hundred dollars, or suffer an imprisonment of six months, or either or both, according to the discretion of the court; and, where the said nuisance shall be in existence at the time of the conviction and sentence, it shall be lawful for the court, in its discretion, to direct either the defendant, or sheriff of the proper county, at the expense of the defendant, to abate the same; Provided, that in all cases where any license or order has been or shall be given or made, permitting the erection, construction, extension, alteration or improvement of any wharf, building or harbor structure aforesaid, beyond low-water mark of the waterways, or any harbor structure within the limits of said city, the person or persons to whom such license or order has been or shall be granted shall, within six months from the date of said license or order, commence the work for which such license or order shall have been granted, and shall prosecute such work with due diligence to completion; otherwise said license or order shall become void; Provided further, that all licenses granted or orders made for the erection, construction, extension, alteration or improvement aforesaid, prior to the passage of this act, shall be and

become void within six months after this act shall take effect, unless said work shall have been begun thereon and shall be prosecuted with due diligence to completion.

8. Whenever the owner or owners or lessee or lessees of any private wharf, pier or bulkhead, within the limits of said city, shall fail to keep and maintain the adjoining dock or docks cleaned and free from obstructions, it shall be lawful for the said department, upon default for thirty days after the service of notice on such owner or owners, lessee or lessees, to clean or cause said dock or docks to be cleaned and freed from obstruction, and to apportion the expense thereof among the owner or owners, lessee or lessees, of the wharves, piers and bulkheads adjoining such dock or docks, in proportion to the extent of their wharves, piers or bulkheads having the privilege of use of such dock or docks; and to collect the cost and expense of the same by filing liens therefor, and issuing process thereupon, as is provided by law in the case of liens filed for the removal of nuisances; and all liens filed to collect the expense of said work shall be filed by the city solicitor or city council, and the lien for said work shall have the same force and effect as liens for municipal work under existing laws.

9. The department, after a hearing of the parties in interest, is authorized to regulate the service and to fix maximum rates for wharfage, cranage and dockage, whether the service is performed by the owners of said wharves, piers and docks or by said city.

10. Before the erection, construction, extension, alteration or improvement of the wharves, piers, bulkheads, docks, slips, basins or harbor structures, in and upon or about the property owned by said city, the department shall prepare full and minute plans and specifications for such work, and advertise for proposals for doing such work under said plans and according to such specifications, in the same manner as is prescribed by law for obtaining proposals and letting contracts for public works in said city.

11. The department shall have power to lease, for a

period not to exceed ten years, under such covenants and conditions as they may prescribe, storage facilities, wharves, piers, bulkheads, dock, slips and basins belonging to said city. All leases of public storage facilities, wharves, piers, bulkheads, docks, slips and basins shall be exposed to public sale, and sold to the highest bidder by public sale and vendue or outcry, at such place and time as the department may designate; and if no bid satisfactory to the said department is made at such sale, the department may, in the manner aforesaid, again expose the said lease or leases to public vendue or outcry; or the department may lease the same, for a term not exceeding one year, or such rent or rents as they may deem advisable. At least two weeks public notice of such sale or sales shall be given by advertising, at least twice a week for two successive weeks, in at least two newspapers of general circulation, printed and published in the city in which the premises are situated. The term of any such lease so sold shall begin within twelve months from the date of such sale. The department may, in its discretion, require of the lessee or lessees a bond, with satisfactory surety, for the faithful performance of the conditions and covenants of said lease. The department shall have the power to permit the temporary use of any wharf, pier, bulkhead, dock or basin belonging to said city for landing purposes or the use thereof by any department of the city, State or United States.

12. The income to said city from all wharfage and storage rates, crantage, dockage and other charges, from all leases of lands, storage structures, wharves, piers, bulkheads, docks, slips and basins, shall be collected by the said department, and at once paid into the city treasury.

13. Any person or persons aggrieved by any decision of the said department, either granting or refusing, in whole or in part, an application for a license to erect, construct, extend, alter or improve any wharf, pier or bulkhead, or other harbor structure, or as to any other matter or thing under this act, may, within thirty days after the date of the said decision, present a petition to the court of common pleas of the proper county, setting forth the facts of the case and the ground of the petitioner's complaint, and thereupon the said court, having first caused

due notice of the presentation of the said petition, and of the time fixed for the hearing thereof, to be given to all persons whom they may deem legally interested therein, shall proceed to hear and determine the subject-matter of the said petition; and shall make such order in the premises as he may think the said department should have made, and the said order shall be final and conclusive. It shall be lawful for the said court to appoint a commissioner to take evidence to be used in the said hearing, and to make such order for the payment of the costs, by one or more of the parties to the proceedings, as justice may require.

14. The common council or other governing body of any such city shall appropriate annually the funds necessary for the maintenance and operation of the said department of wharves, docks and ferries, and, from time to time, such additional funds as may be necessary to carry out the purposes of this act.

15. The director shall make an annual report to the mayor, at the close of each fiscal year, setting forth the amount of property owned, and the amount of property acquired during the year, and the price paid therefor; the condition of all storage facilities, wharves, piers, bulkheads, docks, slips and basins, and approaches thereto; the amount of money received from dockage, wharfage, storage, cramage and other services, itemized as to sources; an itemized account of the money expended for improvements and new construction, repairs, purchase of property, or for any other purpose; the number and names and addresses of all employes, and their respective salaries; the terms and conditions of all leases of storage facilities, wharves, piers, bulkheads, docks, slips, basins and ferries; the time of expiration of said leases and the amount paid therefor; and the number of ships, vessels and boats arriving and departing, their net and gross tonnage.

16. None of the provisions of this act shall be construed to authorize the taking by condemnation of any lands or any improvements in connection therewith used for railroad or canal purposes.

17. This act shall be deemed a public act, and shall

take effect immediately; Provided, however, that this act shall not repeal or effect any other legislation or proceedings thereunder for the purposes herein set forth, but this act shall be deemed and is hereby declared to be additional legislation for such purposes.

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## **FIRE DEPARTMENT.**

**An Act to promote the efficiency of fire departments in municipalities of this State other than cities of the first class.**

**Approved April 11, 1910.**

P. L., p. 412

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Appointments to the paid fire department of any municipality in this State other than cities of the first class, made by the board of fire commissioners or other municipal board having charge and control of said paid fire department, shall be to no higher grade than that of hoseman, or grade equivalent thereto in point of compensation; provided, however, that this act shall not apply to appointments made at the time of the organization of any paid fire department hereafter organized.

2. Promotions in any of said paid fire departments shall be made from among the members thereof, and no member shall be promoted to a higher grade than that of hoseman, or a grade equivalent thereto in point of compensation, until he shall have served at least three years in said paid fire department.

3. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

**A Supplement to an act entitled "An act concerning paid fire departments in certain municipalities of this State, and for the relief of members thereof, their widows, dependent parents and children," approved March twenty-eighth, one thousand nine hundred and five. Approved April 11, 1910.**

P. L., p. 413.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In all municipalities of this State in which the act to which this act is a supplement shall become operative, no member of such fire department who shall hereafter be appointed a member thereof, and at the time of his appointment shall be over the age of thirty-five years, shall be eligible to membership in said pension fund; no such member, appointed as aforesaid, shall be assessed one per centum of his salary, nor shall one per centum of his salary be collected from such member, and no pension shall be paid from the pension fund in any such municipality to such member upon his retirement, or to his widow, children or dependent parents upon his death.

2. This act shall take effect immediately.

**An Act to amend an act entitled "An act concerning paid fire departments in certain municipalities of this State, and for the relief of members thereof, their widows, dependent parents and children," approved March twenty-eight, one thousand nine hundred and five. Approved April 12, 1910.**

P. L. p. 502.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1 Section six of the said act of which this act is amendatory, be and the same is hereby amended to read as follows:

6. All moneys paid out of such pension fund shall be paid by the treasurer, upon warrants signed by the chairman of the board of trustees and countersigned by the secretary thereof; and no warrant shall be drawn except by the order of said board upon a ye and nay vote recorded in the minutes of said board; such board of trustees may deposit such fund in any of the banks or trust companies of such municipalities, and may invest the same in bonds secured by first mortgages on improved property worth at least twice the amount loaned, or in bonds of the United States, or of this State, or of any county, city, township or borough in this State; all income, interest or dividend which shall be paid or agreed to be paid on account of any loan or

deposit shall belong to and constitute a part of said fund.

2. Section ten of the said act of which this act is amendatory, be and the same is hereby amended to read as follows:

10. Such pension fund shall be provided and sustained as follows:

I. By one-half of the two per centum of the premiums for insurance effected in such municipalities by foreign insurance companies, which is now, by law, required to be paid to local firemen's relief associations in such municipalities; and upon and after the creation of a pension fund, under and by virtue of this act, it shall be lawful for agents and brokers of such foreign insurance companies to and they shall pay said one per centum of the premiums received by them for insurance on property in such municipalities to the treasurer of the corporations herein authorized; and when it is so paid and taken for the uses of such pension fund it shall be taken and accepted in lieu and bar of any and all claims for relief which any member of said pension fund or his widow or children might have or may have had upon the local relief fund from thenceforth where and while there are other beneficiaries upon such local relief fund entitled to relief therefrom, except cases where such paid firemen may thereafter be injured or contract serious illness while doing actual fire duty, or any special or extra duty, upon which he may be detailed;

II. By all fines, penalties and forfeitures assessed upon and collected from any officer or member of such fire department;

III. By all rewards, fees, gifts or emoluments paid or given for extraordinary services rendered by any officer or member of said fire department, except when the same is allowed by the board of fire commissioners or other municipal board having charge and control of the said department to be retained by such officer or member, or when the same is especially given to endow a medal or other competitive reward;



IV. By all appropriations, donations, devises and bequests that may be given or made to such pension fund by any such municipality or other corporation or person;

V. By all fees received for permits issued by such board of fire commissioners or municipal board, and the moneys obtained by the sale of old materials and property of such paid fire department other than real estate;

VI. By all fines that may be imposed upon persons whose chimneys are negligently set on fire;

VII. By such license fee is now or shall hereafter be imposed upon and collected by the municipality from the owners or lessees of theatres and places known as nicoldromes, nicolettes, moving-picture shows, amusement parlors, circuses, exhibitions, and all like places of public amusement in such municipality for each performance therein, which shall be paid to the treasurer of such corporation for the benefit of such fund;

VIII. By all taxes on the sale or storage of explosives as now or hereafter to be provided by the law of this State;

IX. If the amount of any such pension fund shall at any time be less than twenty thousand dollars, the board of trustees of any such corporation may assess and collect from each and every member of such department a sum not exceeding one per centum of his salary, said sum shall be paid by each and every member monthly to the treasurer of such corporation, and such assessment and collection shall be made in manner and form as may be provided in the by-laws of the corporations; and it shall be lawful for any municipality in this State to pay to the board of trustees of any such corporation an amount equal to the one per centum of the salary of each and every member of such department whenever such municipality, through its common council or other governing body, may appropriate a sufficient amount for such purpose.

3. Section eleven of the said act of which this act is

amendatory be and the same is hereby amended to read as follows:

11. Pensions shall be paid from such fund in the following manner:

I. In all municipalities of this State in which this act shall become operative, all members of such department who shall have honorably served therein twenty years and who shall have reached the age of sixty years shall, upon application to the board having charge of the fire department in such municipality, be retired by such board, and shall thereupon receive from such pension fund an amount annually equal to one-half of the salary received by such member at the time of his retirement:

II. If any officer or man permanently employed in such department, whose duty requires active service in the extinguishment of fires, shall have become or shall hereafter become incapacitated, either mentally or physically, for the performance of such duty, whenever such incapacity is or shall be the result of injury received or sickness contracted while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty upon which such officer or man may be detailed, he shall be retired by such board of fire commissioners or other municipal board having charge of such fire department, and shall thereupon be entitled to receive and shall receive annually from such pension fund an amount equal to one-half of the salary received by him at the time of his retirement: in all applications made under this paragraph, the officer or member applying for retirement shall furnish to the board of fire commissioners or other municipal board having charge of such fire department a certificate, signed by three practicing physicians of the municipality in which said fire department is located, one of whom shall be selected by the applicant, one by the board of fire commissioners or other municipal board having charge and control of such fire department, and the third by the board of trustees of the pension fund of said fire department, stating that, in their opinion, he is incapacitated, either

mentally or physically, for the performance of his duty in such department, and which certificate shall further state how such incapacitation was brought about; and said certificate, when signed as above and containing the information above required, shall be conclusive proof to the said board of the incapacitation of such applicant;

III. If any officer or man permanently employed in any fire department in any said municipality shall be fatally injured while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty, upon which such officer or man may be detailed, or shall die as a direct result of sickness or illness contracted or incurred either in the performance or attempted performance of any such duty, the widow, if any there be, or if there be no widow, then the child or children of such deceased officer or man shall receive from such fund an annual pension equal to one-half of the salary received by such officer or man at the time of his death to be paid in equal monthly installments to such widow during her widowhood; if such officer or man should not leave a widow, but shall leave a child or children, such pension shall be applied, under the direction of the board of trustees of said corporation, to the support of such child or children until they shall have attained the age of sixteen years; if such officer or man shall not leave a widow or any children him then surviving, but shall leave a dependent parent or parents, to whom the said officer or man was the main support, such parent or parents shall receive from such fund an annual pension equal to one-half of the salary received by such officer or man at the time of his death, to be paid in equal monthly installments to such dependent parent or parents so long as they, or either of them, shall remain dependent:

IV. When any officer or man in such department shall die, after having been retired and pensioned, his widow shall receive from such fund an annual pension equal to the pension received by such officer or man at the time of his death, to be paid in equal monthly installments to such widow during her widowhood; provided, however, that said widow had been mar-

ried to such officer or man previous to the date of his retirement; if such officer or man shall not leave a widow, but shall leave a child or children, or should his widow remarry, such pension shall be applied, under the direction of the board of trustees of said pension fund, to the support of such child or children until they shall have attained the age of sixteen years; if such officer or man shall not leave a widow or any children him then surviving, but shall leave a parent or parents dependent upon him for support, such parent or parents shall receive from such fund an annual pension equal to the pension received by such officer or man at the time of his death, to be paid in equal monthly installments to such dependent parent or parents so long as they or either of them shall remain dependant.

4. All acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

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### FIREWORKS.

**An Act relating to the sale and use of fire-crackers, fire-works, fire-arms and other explosives. Approved April 9, 1910.**

P. L., p. 299.

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**An Act to amend an act entitled "An act concerning district courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight. Approved April 11, 1910.**

P. L., p. 431.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section eight of the act to which this is an amendment is hereby amended to read as follows:

8. The salaries of the clerks of said courts shall be fixed as follows: In cities having two hundred thousand inhabitants or over, an annual salary of two thousand dollars; in cities having between one hundred thousand and two hundred thousand inhabitants, an annual salary of seventeen hundred and fifty dollars; in cities having between sixty thousand and one hundred thousand inhabitants, an annual salary of fifteen hundred dollars; in cities having between twenty-five thousand inhabitants

and sixty thousand inhabitants, an annual salary of twelve hundred and fifty dollars; in cities having between twenty-three thousand and twenty-five thousand inhabitants, an annual salary of nine hundred dollars; in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of seven hundred and fifty dollars; and in such judicial districts as are now or may hereafter be established, an annual salary of eight hundred dollars in judicial districts having forty thousand inhabitants or over, and an annual salary of six hundred dollars in judicial districts having less than forty thousand inhabitants; which salaries of such clerks shall be in lien of all fees whatsoever.

2. Section ten of the act to which this in an amendment is hereby amended to read as follows:

10. For their services the several constables and sergeants-at-arms shall receive from the clerk of the court the fees hereinafter provided, and one dollar and fifty cents per day for every day's actual attendance upon the sessions of the court, to be paid monthly by the cities in which such courts are established, or by the county collector of any county in which any judicial district may be established, unless a sergeant-at-arms as hereinafter provided be appointed by the judge, when no per diem fees shall be paid as above to any constable of any such court having a sergeant-at-arms.

3. This act shall take effect immediately.

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An Act authorizing the creation of harbor boards in cities accessible to commerce by water and prescribing their powers and duties. Approved April 14, 1909. P. L., p. 145.

An Amendment to an act entitled "An act authorizing the creation of harbor boards in cities accessible to commerce by water and prescribing their powers and duties," approved April fourteenth, one thousand nine hundred and nine. Approved April 9, 1910. P. L., p. 325

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## LOAN BUSINESS.

An Act to regulate and control the business of the making of loans on pledges of personal property, chattel mortgages or assignment of salary or wages. Approved April 12, 1910.

P. L., p. 466.

An Act concerning marriages (Revision of 1910). Approved April 11, 1910. P. L., p. 477.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. A man shall not marry any of his ancestors or descendants, or his sister, or the daughter of his brother or sister, or the sister of his father or mother, whether such collateral kindred be of the whole or half blood. A woman shall not marry any of her ancestors or descendants, or her brother, or the son of her brother or sister, or the brother of her father or mother, whether such collateral kindred be of the whole or half blood. A marriage in violation of any of the foregoing provisions shall be absolutely void.

2. The Chief Justice and each Justice of the Supreme Court, the Chancellor and each Vice-Chancellor, and each judge of the Court of Common Pleas and justice of the peace, recorder and police justice, and mayor of a city of this State, and every stated or ordained minister of the gospel, is hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society, institution or organization in this State may join together in marriage such persons as are members of the said society, institution or organization, or when one of such persons is a member of such society, institution or organization, according to the rules and customs of the society, institution or organization to which they or either of them belong.

3. From and after the first day of July, Anno Domini one thousand nine hundred and ten, it shall be necessary for persons intending to be married within this State to first obtain a marriage license and deliver the same to the clergyman, magistrate or person who is to officiate, before the proposed marriage can be lawfully performed; provided, that if a marriage is to be performed by or before any religious society, institution or organization, the license shall be delivered to said religious society, institution or organization, or any officer thereof. If the female party to the proposed marriage is a resident in any city, borough, town or other municipality of this State

such license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the clerk of such city, borough, town or other municipality wherein such female resides; or if the female party to the proposed marriage is a non-resident of this State, such license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the clerk of such city, borough, town or other municipality wherein the male party to the proposed marriage resides. If both or either of the parties to the proposed marriage are resident in any township of this State, such license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the assessor of taxes of the township. If both of the parties to the proposed marriage are non-residents of the State, such license shall be obtained, if the proposed ceremony is to be performed within any city, borough, town or other municipality of this State, from the registrar of vital statistics, if there be such officer, and if not, then from the clerk of such city, borough, town or other municipality; but if within any township of this State, the said license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the assessor of taxes of the said township; provided, no license to marry shall be issued when either of the contracting parties, at the time of making the application, is under the influence of intoxicating liquor or a narcotic drug, or is an imbecile, epileptic, or of unsound mind, nor shall any such license be issued to any person who is or has been an inmate of any insane asylum or institution for indigent persons, unless it satisfactorily appears that such person has been discharged from such asylum or institution.

4. The registrar of vital statistics, if there be such officer, and if not, then the clerk of every city, borough, town or other municipality in this State, and the assessor of every township in this State, is hereby empowered to issue marriage licenses to either of the contracting parties who may apply for the same and who may be entitled under the laws of this State to contract matrimony, authorizing the marriage of such parties, which license shall be substantially in the following form:

State of New Jersey.

County of .....

City, town or township of .....

This is to certify that any person, religious society, institution or organization authorized by law to perform marriage ceremonies within the State of New Jersey to whom this may come, he or they, not knowing any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony between A..... B....., of ....., in the county of ..... and State of ....., and C..... D..... of ....., in the county of ....., of the State of ....., and to certify the same to be the said parties, or either of them, under his hand and seal in his ministerial or official capacity.

In testimony whereof I have hereunto set my hand and affixed the seal of said town, township or city at....., this ..... day of ....., nineteen hundred and .....

.....  
(Name and official title.)

On the reverse side of the marriage license shall be the form for the certificate of marriage, which shall set forth particularly the name, age, parentage, color, birthplace, occupation and residence of each of the persons married, the date and place of the marriage, the condition of each of the persons married, whether single, widowed or divorced, the signature of the minister, magistrate or person by whom, or the name of the religious society, institution or organization before whom the marriage was solemnized, and the signature and place of residence of at least two witnesses who were present at such marriage.

5. Before any assessor, registrar or clerk shall issue any marriage license, as provided in the third and fourth paragraphs of this act, he shall require one of the contracting parties to subscribe and swear to an oath or affirmation attesting the truth of the facts respecting the legality of the proposed marriage, and he shall issue the said license only if it shall be so made to appear before him that no legal impediment to such marriage exists. For issuing such license he shall be entitled to receive from the applicant the sum of one dollar.

6. The State Bureau of Vital Statistics shall cause to be issued to the several assessors of the townships, registrars of vital statistics, if there be such officers, and, if not, then to the clerks of the cities, boroughs towns and



other local municipal governments in this State the form and substance of the several inquiries to be made of any applicant for marriage license as aforesaid, in order that the several assessors, registrars and clerks shall be enabled to obtain the information required to ascertain whether any legal impediment to any proposed marriage exists.

7. If any such male applicant for license to marry shall be a minor under the age of twenty-one years, or any such female applicant under the age of eighteen years, such license shall not be issued unless the parents or guardians of the said minor, if there be any shall first certify, under their hands and seals, in the presence of two reputable witnesses, their consent thereto; which consent shall be delivered to the assessor, registrar or clerk issuing the license. If the parents, or either of them, or guardians of any such minor shall be of unsound mind, then the consent of such parent or guardian to the proposed marriage shall not be required.

8. If any person applying for license under this act shall knowingly make false answer to any of the inquiries asked by the assessor, registrar or clerk, he or she shall be deemed guilty of perjury, and shall, upon conviction thereof, be subject to the penalties imposed therefor by the laws of this State.

9. If any person or persons, or any religious society, institution or organization, having authority to solemnize marriages, shall perform any marriage ceremony between parties without the presentation of a license therefor, obtained in accordance with the provisions of this act, he shall be deemed guilty of a misdemeanor, and shall, upon conviction, be sentenced to imprisonment for a term not exceeding six months, or to pay a fine not exceeding five hundred dollars, or both, at the discretion of the court. Any person or persons authorized to solemnize marriages are also empowered to administer oaths or affirmations to the parties applying to be married, and to require them, or either of them, to make true answers to any inquiries he or they may make of them, or either of them, in order to ascertain whether in his or their judgment any legal impediment to the proposed marriage exists; and any person willfully making false answer to any of such inquiries

shall be deemed guilty of perjury, and upon conviction be subject to the penalty imposed therefor by the laws of this State; provided such answer or answers be reduced to writing and signed by the party making the same and attached to the marriage certificate.

10. Any person, religious society, institution or organization authorized to perform the ceremony of marriage, who shall make any false certificate of marriage, shall be liable to a penalty not exceeding one hundred dollars, to be recovered as hereinafter provided.

11. Nothing in this act contained shall be deemed or taken to render any common law or other marriage, otherwise lawful, invalid by reason of the failure to take out a license as is herein provided.

12. It shall be the duty of every judge of any Court of Common Pleas, justice of the peace, recorder, police justice mayor, minister of the gospel and other person who shall solemnize any marriage in this State or the clerk or keeper of the minutes of any religious society, institution or organization, before which any marriage shall be solemnized in this State, to transmit to the officer by whom such marriage license was issued, within five days after such solemnization, the marriage license, together with the certificate of marriage. Any minister, magistrate or other person, or clerk or keeper of the minutes of any religious society, institution or organization, who shall neglect or fail to transmit such certificate and license to the officer hereinafter designated within the time aforesaid, shall be liable to a penalty not exceeding fifty dollars.

13. Every certificate of marriage and every marriage license required to be made by this act shall be transmitted by the person or society performing the marriage to the local registrar of vital statistics, if there be such officer, and if not, then to the clerk of the city, borough or town in which such marriage shall occur, or to the clerk of any county board of health now established in this State, and in any township every such certificate shall be transmitted to the registrar of vital statistics or assessor of the township in which such marriage shall occur, or if there be no registrar of vital statistics or assessor in office, then to the township clerk.

14. It shall be the duty of each registrar of vital statistics, if there be such officer, and if not, then the assessor or clerk of every township, and the clerk of every city, borough, town, or other local municipal government in this State, and the clerk of every county board of health and vital statistics, on or before the tenth day of each calendar month, to transmit by mail, express or messenger, to the State Bureau of Vital Statistics, at Trenton, in an envelope or package marked "Vital Statistics," all the certificates of marriages, marriage licenses and consents to the marriage of minors, received by such officer, which certificates, licenses and consents it shall be the duty of every such officer to receive for transmission, and every such assessor, registrar or clerk upon receiving a certificate from the medical superintendent of said bureau of the whole number of certificates of marriages transmitted as aforesaid, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town, county or other local municipal government in which such assessor, registrar or clerk shall be an officer, the sum of twenty cents for each marriage certificate so transmitted, the receipt for which shall be attached to the said certificate of the said medical superintendent, and no payment shall be made unless such certificate be produced, and no credit shall be given or certificate issued by the said medical superintendent to any such assessor, registrar or clerk for any certificate of marriage which is mailed or otherwise transmitted later than ten days after the end of the calendar month in which the marriage occurred; provided, that in any city the board or body having the appointment of registrars or persons acting as such may, in lieu of fees, provide that officers performing the above service shall receive therefor a stated or fixed compensation to be determined by such board or body. Any assessor, or clerk of a township, or registrar of vital statistics, or clerk of a city, borough, town, county or other local municipal government in this State who shall neglect or fail to transmit, as provided for in this section, to the State Bureau of Vital Statistics, at Trenton, on or before the tenth day of each calendar month, all certificates of marriages in his possession, shall be liable to a penalty of fifty dollars, to be recovered as hereinafter provided.

15. It shall be the duty of the medical superintendent

of the State Bureau of Vital Statistics to cause the certificates of marriages and marriage licenses received by said bureau pursuant to the provisions of this act, to be alphabetically indexed, and in connection with said index to cause to be transcribed, or otherwise recorded from said certificates, such of the vital facts appearing thereon as the State Bureau of Vital Statistics may deem necessary and useful. The certificates of marriages shall be so tabulated as to present in separate and distinct classes the record of each county, city or other municipality of over five thousand inhabitants, which record thus prepared and classified shall be preserved as a public record in the office of the State Bureau of Vital Statistics, and the original certificates shall be preserved in the archives of the Bureau of Vital Statistics. Any original certificate of marriage, marriage license and consent to the marriage of minors, or any copy thereof, certified to be a true copy under the hand of said medical superintendent, shall be received in evidence in any court of this State as prima facie proof of the facts therein contained.

16. It shall be the duty of the State Bureau of Vital Statistics to cause to be prepared blank forms of certificates of marriages and marriage licenses corresponding to the requirements of this act, which forms, together with such sections of this law and such instructions and explanations thereof as the said bureau may deem useful to persons having duties to perform under this act, shall be printed and supplied in the same manner as the blanks and stationery for the use of the several departments of the State government are printed and supplied, and shall be distributed from time to time, as occasion may require, by said bureau to the assessors of townships, the registrars of vital statistics and the clerks of the cities, boroughs, towns and other local municipal governments of this State; and all certificates of marriages and marriage licenses required to be made under this act shall be written upon the said blanks.

17. Any penalty incurred under any of the provisions of this act may be recovered, with costs, in an action of debt by and in the name of the local board of health of the municipality where the marriage occurred, or by and in the name of the Board of Health of the State of New Jersey.

18. In event of any section of this act, or part thereof, shall be held to be invalid by a court of competent jurisdiction, such adjudication shall not affect the other portions of this act.

19. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect July first, Anno Domini one thousand nine hundred and ten.

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**An Act concerning the sale of municipal bonds. Approved April 9, 1910.** P. L., p. 347.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. All bonds of any municipality in this State heretofore or hereafter authorized to be issued and sold under and by virtue of any statute of this State shall be sold for not less than par, and shall be sold at public sale only, after due advertisement of at least ten days, unless the statute under which said bonds have been issued or shall be issued expressly authorizes the selling of such bonds at private sale.

2. This act shall take effect immediately.

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### OFFICERS.

**An Act authorizing overseers of the poor in cities of the second class in this State to employ an assistant. Approved March 22, 1910.** P. L., p. 50.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In cities of the second class the overseer of the poor may employ an assistant, who shall be authorized to perform the duties of the overseer of the poor during his temporary absence or incapacity, and who shall be paid for his services by said overseer of the poor.

2. This act shall take effect immediately.

### PARKS.

An Act to authorize the cities of this State to acquire lands for public parks by purchase or condemnation, and to improve the same, and to issue and sell bonds to provide for the cost of such acquisition and improvement, and to provide by tax for the payment of the principal of and interest on said bonds. Approved April 5, 1910. P. L., p. 140.

An Act to authorize the acquisition by purchase or condemnation of lands for public parks by the cities and towns of this State, and for the improvement and regulation thereof, and for the issuing of bonds and temporary obligations for such purpose, and to provide for the payment thereof. Approved April 12, 1910. P. L., p. 470.

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### POLICE MATRONS.

An Act relating to police departments in cities of this State. Approved April 8, 1910. P. L., p. 251.  
Fixes term and salary of police matron.

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### RECORDER.

An Act to regulate and increase the powers of police courts, recorders' courts and similar municipal courts known by any other name in cities of the second class having a population of over fifty thousand, and regulating the appointment of judges or recorders to preside over the same. Approved April 1, 1910. P. L., p. 112.

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### SALARIES.

An Act to provide for the time and manner of paying salaries in cities in this State. Approved March 17, 1910.

P. L., p. 43.

**TAXES.**

**A Supplement to the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three. Approved April 8, 1910.**

P. L., p. 199.

Provides for the taxation of lands used for the purpose and the protection of public water supply.

**A Supplement to the act entitled "An act concerning the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three. Approved April 4, 1910**

P. L., p. 125.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Where several parcels of land have been sold to any taxing district under and pursuant to the provisions of the act to which this act is a supplement, and all of said parcels have been included in one certificate of tax sale, as provided by section fifty-two of said act as originally enacted, it shall not be necessary for any such taxing district after the time to redeem any such parcel of land has expired to annex the notice to redeem and affidavit of service and affidavit that redemption has not been made to the certificate of tax sale and to file the same therewith in the office of the county clerk or register; but in all such cases the taxing district, after the time to redeem has expired, may record an abstract of such certificate containing so much thereof as appertains to the particular tract or tracts affected by the notice to redeem, with such notice and an affidavit of service thereof and an affidavit that the sale of such lands has not been redeemed; and said certificate shall, after recording such abstract, be returned to and remain on file with the officer of the taxing district entitled to custody thereof at and before the time the same was recorded. Any such certificate may be again recorded in abstract whenever and as often as any other tracts therein described have not been redeemed on due and legal notice. In all such cases the notice to redeem and affidavit of service thereof and affidavit that the sale has not been redeemed need not be

annexed to the certificate of tax sale, but after being recorded with the abstract, shall be filed with the county clerk. If the sale of any tract mentioned in any such certificate shall have been assigned by the taxing district the original certificate shall be recorded in abstract in like manner, by the officer having custody of the certificate of tax sale upon his being satisfied by affidavit that notice to redeem has been duly served and said lands have not been redeemed, at the request of the assignee and at his cost, together with the notice to redeem affidavit of service thereof, affidavit of non-redemption and the deed of assignment, all of which except the tax certificate shall, after recording, be filed with the county clerk or register, and the certificate of tax sale shall be returned by the clerk or register to the taxing district. The officer of the taxing district causing such tax certificate to be recorded shall in all cases be entitled to a fee of twenty-five cents for such service, whether the same be rendered for the taxing district or for any assignee of tax sale.

2. All acts and parts of acts inconsistent herewith are hereby repealed. This act shall take effect immediately

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### TREES.

An Act to amend an act entitled "Supplement to an act entitled, 'An act to provide for the planting and care of shade trees on the highways of the municipalities of this State,' approved March twenty-eighth, one thousand eight hundred and ninety-three," which supplement was approved April thirteenth, one thousand nine hundred and eight. Approved April 9, 1910.

P. L., p. 277.

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### WATER RENTS.

An Act to facilitate the collection of water rents or rates in cities towns, boroughs, villages and townships owning their own water department, other than cities of the first class. Approved April 8, 1910.

P. L., p. 204.

Authorizes discount for prompt payment of water rents.



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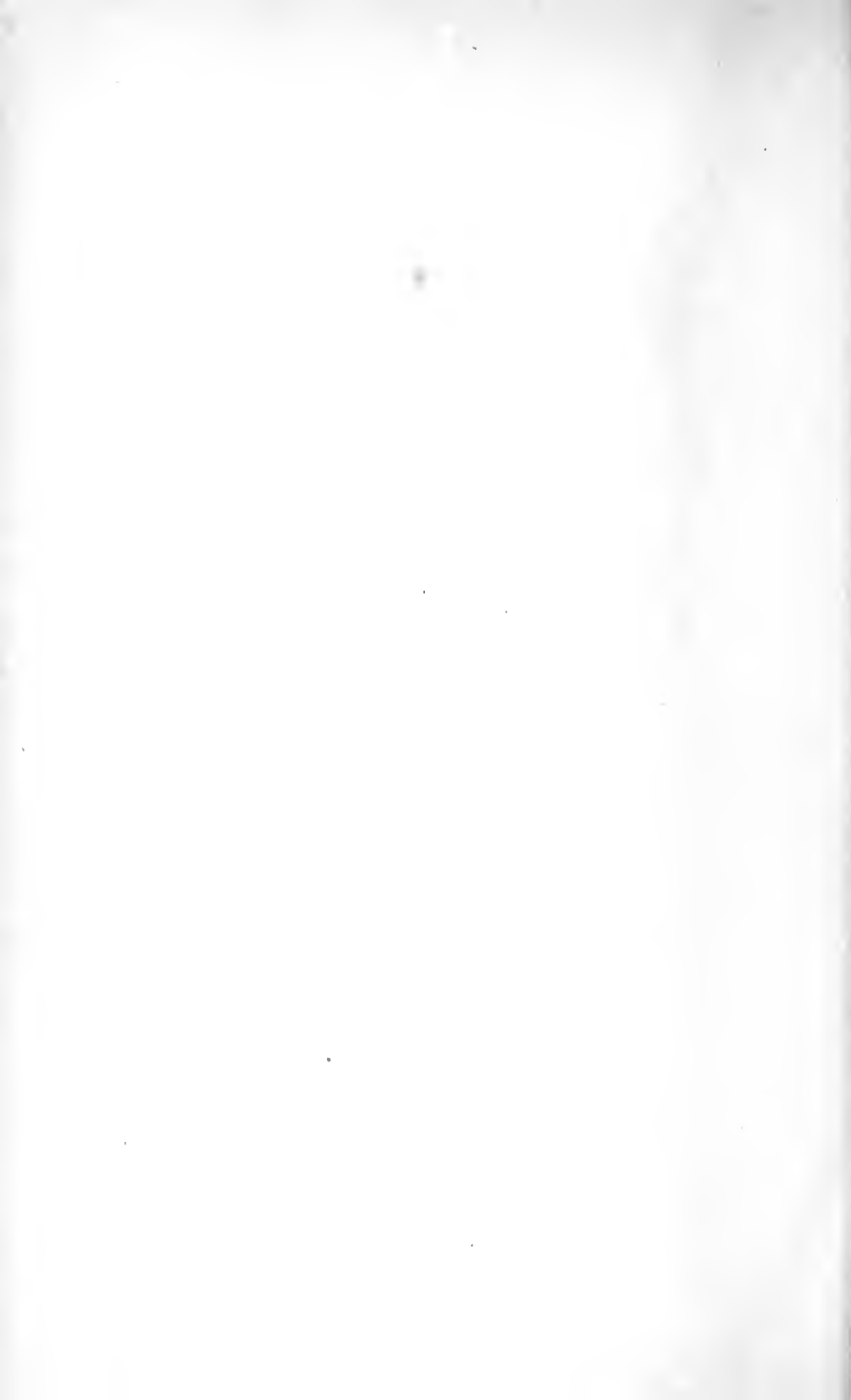
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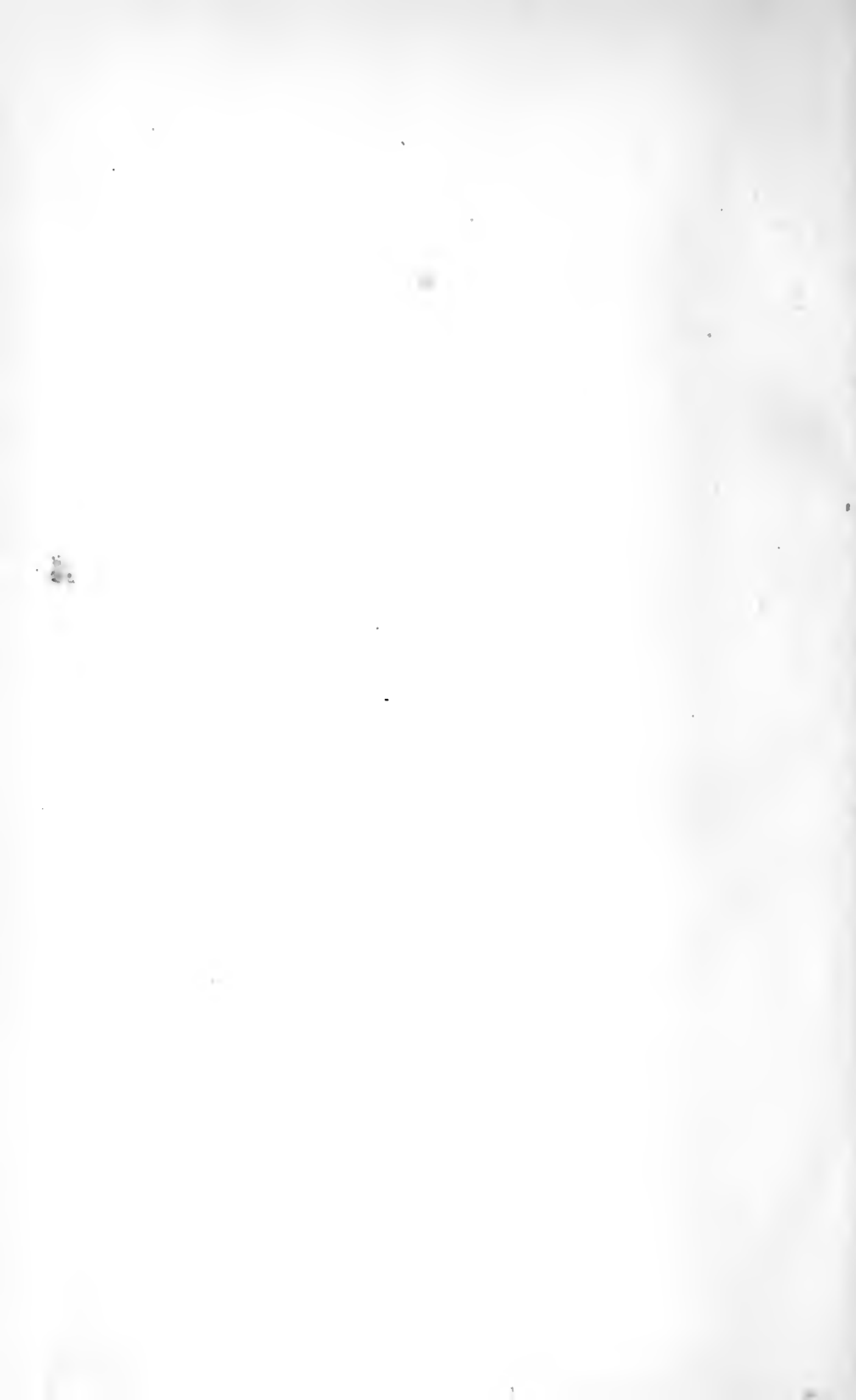












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